

READING ASSOCIATION OF
SUSQUEHANNA UNIVERSITY,
SELINS GROVE, PA.

NORTH AMERICAN REVIEW.

No. CCCCLX.

MARCH, 1895.

IS AN EXTRA SESSION NEEDED?

BY REPRESENTATIVES CHARLES TRACEY, OF NEW YORK; BEL-
LAMY STORER, OF OHIO; JOSIAH PATTERSON, OF
TENNESSEE; AND ROBERT G. COUSINS, OF IOWA.

I.

TWELVE extraordinary sessions of Congress have been called by Presidential proclamation since the formation of our government. One was made necessary to provide for suppression of an insurrection; five were convened to deal with questions pertaining to our foreign relations; three because of failure to pass appropriation bills in regular sessions, and three to correct defects in revenue or finance laws.

The last one was summoned by President Cleveland to assemble the 7th of August, 1893. After prompt action by the House of Representatives and a prolonged struggle in the Senate to prevent the passage of the bill unconditionally repealing the silver purchasing clause of the Act of July 14, 1890, the legislation recommended by the President was enacted, and Congress adjourned November 3, 1893. The very satisfactory outcome of this effort should have inspired confidence in the determination and ability of our people to maintain the financial honor of the nation. It was confidently believed that no holder of American securities, at home or abroad, nor any capitalist seeking an investment would doubt his power to convert, at any time, our

VOL. CLX.—NO. 460. 17

Copyright, 1895, by LLOYD BAYOR. All rights reserved.

bonds or stocks into cash at the market price, receiving payment of principal and interest in gold if demanded.

The recent experience we have had in suffering from a raid on the gold reserve demonstrates how difficult it is to avert panics. Opinions differ as to causes which produced the present condition. Want of sufficient revenue to meet expenditures, the dullness of business whereby large amounts of capital sought unsuccessfully to obtain interest here, the falling off in railway receipts, want of elasticity in our currency, the aggressive, never-ceasing clamor of agitators for free coinage of silver, and ignorance of the financial world respecting the very important and effective power given to the Secretary of the Treasury under existing law, made up a combination of forces which produced distrust.

The Committee on Banking and Currency in the House at Washington, hoping to remedy evils, undertook to enlist the entire Democratic side in favor of a currency scheme, but the effort failed. This is not surprising, for, during many years past, it has not been possible to unite either of the great parties upon a financial measure which would be beneficial. In the Fifty-first Congress a desire to bring together the Republicans resulted in the Compromise Act of July 14, 1890, and its enactment was bad for the country and brought disaster to the party then in power. It has been strenuously asserted that the Act of 1890 was passed to prevent more dangerous legislation, but this is an error; free coinage had been voted down in the House, and a safe majority in that body could have been relied upon to defeat it at any time.

When President Cleveland sent his message to Congress January 28, 1895, millions of dollars in gold were being daily withdrawn from the Treasury, and evidently there was great danger of its going to a premium. The disposition of a majority, composed of Democrats and Republicans in the House of Representatives, was to at once meet the views of the Executive regarding a provision for selling gold bonds and the retirement of legal tender paper money. A few days passed, and it was seen that the effect of the message was to check the tendency to panic. Encouraged by this change in the situation some Republicans broke away from the Democratic supporters of the administration who had relied upon their assistance to pass a bond bill and the expected non-partisan combination could not be formed. Fear of

displeasing constituents who might object to issuing gold bonds, or to retiring greenbacks, drove members away from voting for an act which, if a law, would probably do away with the necessity for future bond issues. The administration bill was defeated by a majority of 27; but in the Committee of the Whole all amendments which might be counted as favoring legislation likely to put the country on a silver basis were voted down by considerable majorities.

It is not probable that any measure of importance for improvement of finance laws can be carried through in the few remaining days of the Fifty-third Congress. In consequence of this on every side is heard the question "Is an extra session needed?" To determine what reply should be made it is necessary to inquire how far it will be possible in the next Congress to improve existing law.

The method followed by those who take our gold is to present for redemption some of the outstanding \$346,000,000 of greenbacks, or of the \$150,000,000 of Sherman Treasury notes; as, under the law, these notes are reissued, they are not retired, but again go out to return and draw more gold.

The President sought, by securing the passage of the Act defeated February 7, 1895, to check this constant drain on the gold reserve, believing, also, that by giving the Secretary of the Treasury power to sell gold bonds, few, if any, bonds would have to be issued.

It will hardly be questioned that much improvement should be made in our financial system, but, fortunately, the Secretary of the Treasury is provided under existing law with power, involving possibly great expense, yet giving means of replenishing to any extent our gold reserve. By a happy chance the Act of July 14, 1875, permits him to sell four per cent., four and a half per cent., and five per cent. bonds, and to purchase coin with the proceeds.

Whether an extra session should be called can be decided by no one but the President. It may be that he will deem it his duty to give the legislative branch of the Government an opportunity to act before deciding to order an increase of the public debt. There is no doubt, however, that while in the Fifty-fourth Congress the House of Representatives will contain a safe majority for sound money, the Senate will have a majority favoring free

coinage, and will be less likely than the House to follow the President's recommendations.

In view of the dismal prospect for securing the passage of sound financial measures, and taking into account the very important authority now held by the Secretary of the Treasury to sell bonds, the general public will decide that an extra session is not needed.

CHARLES TRACEY

II.

Not if we can trust the public official utterances of the President and his Secretary of the Treasury. It is a curious condition of affairs when a doubt can be and must be seriously entertained as to the accuracy of figures promised and as to the good faith of estimates solemnly given out by the head of a great government. That is the result—perhaps the necessary result—of the fact that the head of this government is also the nominal head of a great political party. The doubt arises from the uncertainty in which capacity the President and his Secretary are speaking, whether these figures and estimates are really those of the Chief Magistrate of the United States and his official book-keeper, or only those of the nominal chief magistrate of the Democratic party.

It is not partisan opposition alone that gives voice to the widespread feeling that the estimates and statistics given out by the present Treasury Department have sometimes been those to be desired for the good name of the party in power, rather than such as would lay before the country a full and unbiased statement of the exact condition at the time, and what was reasonably and candidly to be hoped for.

There is no need to cite instances of this. The country's memory is alive. Otherwise, the official estimates of the Secretary of the Treasury, claimed to be most carefully and scientifically made, would receive respect from all sides when laid before Congress, instead of grudging silence from the majority, sneers from the opposition, and indifference or suspicion from the country.

When Congress and the country are asked to believe that the stagnation of business, the distrust of financiers and the drain of

gold are caused only by the demand for "reform in the currency," and have nothing to do with the fact that the "reform of the tariff" effected by the Democratic party is not bringing in enough to cover the current expenditures, Congress and the country may well reflect a moment.

They may remember the days when the Administration declared ruin was ahead unless the silver purchase act was repealed; and that, if it was repealed, prosperity was sure to come.

They may remember, after the silver purchase act had been repealed and prosperity did not come, that the Democratic Administration proclaimed on the house-tops that any solution, no matter what, of the tariff muddle, any tariff bill, no matter what, become a law, was needed to bring sunshine and gladness back at once to our paralyzed capital and labor. And then they may call to mind that the tariff law under which the country has been laboring became a law August 28, 1894, just five months ago as I write, and may wonder if the condition the President now depicts so graphically in his messages is the fulfillment of the glittering promises of Democracy a year ago.

They may even remember that only last December the Administration discovered that the business depression came not from any cause it had theretofore specified; came not because the act of 1890 had been buying so many million ounces of silver bullion a month; came not because the McKinley law was so great an atrocity that any change would work prosperity for the country, but because of something entirely different. Then the President called upon Congress, irrespective of party, to lay aside preconceived opinion, to change the entire banking system of the country, to establish a collective liability of all the national banks as security for each other's debts, and to re-establish the long-ago tried and rejected system of State banks, without affixing any such liability on them, or granting to their debtors any such security. This iridescent scheme was also and once more to drive away all distrust, and bring peace and confidence back to the commercial and financial world. That idea was cast out by the House, and something else had to be brought forward as a complete solution and easy road out of every difficulty. Once again all preconceived opinions but those of the President are to be laid aside, and a huge issue of long-time gold bonds and retirement of all legal tender paper is suggested as combining

facility of legislation with certainty of effect. In all probability no such measure will pass the House. Certainly none will pass the Senate. This Congress will expire, and with its mere expiration will come relief.

Partisan criticism apart, it is really probable that the revenues will improve. Even if they fall far short of the cheerful, though vague and variegated, expectations of the Secretary of the Treasury, they will in all likelihood increase.

The President has proclaimed his intention of keeping up the issue of bonds at all times to protect the greenbacks and pay them on presentation. It is but justice to him to say the world recognizes he will never willingly redeem them in any money but the best. With revenues growing better, even if a deficit still exists, the country will know, now this Congress is ended, that no ruinous legislation can be passed. That black cloud of financial demagoguery faded away, the future is by that much clearer. Democracy no longer in full power, the world will see that it has been Democracy in power—both in promise and in fulfillment—of which the country has lain in dread.

Should the President call the Fifty-fourth Congress in extra session he knows what it will do. With a Republican Congress the President can no longer keep up his attitude of saving the country by words which he knows will never ripen into legislation. He has been able to proclaim to the world his views on finance with certainty that the Fifty-third Congress would never act, and therefore there could be no practical result either to prove the soundness of these views or give the lie to them. But the next Congress, paying as little regard to the expressions of the President as his own party has done, if called together, will proceed in its own way to legislate. Then the responsibility of not agreeing and of preventing action will rest with the executive.

That new Congress, if called, will pass some measure supplying revenues for the time being, without endangering the repose of what business the Fifty-third Congress has left alive by undertaking fundamental changes in the present tariff law. Such changes will be left until the Republicans, once more in complete control of the Government, take up the work of legislation with the responsibility of legislation.

There will be no extra session. Taking fairly into consider-

ation the difficulties of the President's position in case one should be called, and giving the regard mere decency requires to the shifting views of the Treasury there is no absolute need for one.

BELLAMY STORER.

III.

DURING his first administration, Mr. Cleveland warned Congress that the continued purchase and coinage of silver under the Bland-Allison Act would lead to disaster. Oblivious to the warning, Congress passed the Sherman law in July, 1890, which aggravated the impending danger to our commercial prosperity. Doubt and apprehension in respect to the stability of our currency were almost immediately made manifest in the revenues collected at our custom-houses. When Mr. Cleveland retired from office on March 4, 1889, something over ninety per cent. of the duties collected at the port of New York were paid in gold. After the passage of the Sherman law the receipts of gold began to diminish with alarming rapidity. On March 4, 1893, they had fallen to four per cent. Following the rapid decline in the price of silver bullion, the free coinage of silver was suspended in India. The commercial world was now thoroughly alarmed as to the stability of our standard of value. An apprehension was everywhere prevalent in business circles that the United States was committed to a continuing policy, which if persisted in would ultimately lead this country in a short time to the silver basis. For more than sixty days prior to the date, in August, 1893, when the President called Congress into extra session, not one dollar in gold was collected at the custom-house in New York.

Had Congress, when the purchase clause of the Sherman law was repealed, acted with unanimity and promptness, and followed up its action by so amending the law as to authorize the Secretary of the Treasury to sell bonds bearing a rate of interest not exceeding three per cent., in order to maintain the public credit, confidence, no doubt, would have been restored in our currency. However, the protracted debate which occurred demonstrated to the commercial world there was not only great hostility to the repeal of the purchasing clause of the Sherman law, but there were

a great many advocates in Congress of the free, unlimited, and independent coinage of silver, who strenuously insisted that a majority of the American people believed in the doctrine. They contended that the repeal was brought about by the Administration, which they claimed exerted an undue influence on Congress.

While this state of affairs was seriously detrimental to a restoration of confidence, the debate had the effect to educate the people into a better knowledge of their currency. Accustomed to accept any kind of money issued by authority of the Government without question, examination, or hesitation, they now learned that their currency consisted, in part, of the obligations of the Government amounting to \$346,000,000 in the form of promissory notes payable to bearer, popularly known as greenbacks; in part, of other promissory notes amounting to \$150,000,000, payable in like manner, and popularly known as Treasury notes; and, in part, of \$422,000,000, in the form of silver dollars, the intrinsic or metallic value of which is less than \$211,000,000.

Not only the bankers, but the plain and confiding people are now brought to a knowledge of the deplorable fact that more than \$900,000,000 of their currency consist of either depreciated silver dollars, or the Government's mere promises to pay on demand, all of which it has undertaken to maintain on a parity with gold.

The simple statement of the undisputed facts of the case ought to convince the American people that they cannot successfully conduct business on a basis so unsatisfactory as this. They cannot, with impunity, disregard the immutable laws of commerce and hope to be prosperous.

The necessities of the country demand such legislation as will give all the world to understand that the United States, now and hereafter, intends to maintain, in absolute good faith, its standard of value.

The withholding by Congress of this assurance is the great obstacle which stands in the way of a restoration of confidence in our currency. The situation demands immediate legislation on the lines indicated in the courageous and patriotic message recently sent to Congress by the President. If this Congress fails in its duty, the exigencies are such as would justify the President in calling the 54th Congress into extra session at the earliest practicable moment; provided the country can have any assur-

ance that it will respond to his recommendations. However, assuming the Fifty-third Congress will fail in its duty to the country, have we any reason to believe the Fifty-fourth Congress will respond to its necessities?

When the membership of the Fifty-fourth Congress is analyzed it will be found not to materially differ from that of the Fifty-third Congress, so far as the financial question is concerned. In fact, the Senate in the Fifty-fourth Congress will be more pronounced for the free coinage of silver than it is now; while the House, like the present House, will oppose it. This anomalous condition of affairs grows out of the admission of the sparsely populated States in the silver regions of the West. The eighteen States lying north of the Potomac and Ohio rivers and east of the Missouri have a majority of forty-six in the House of Representatives, in a total membership of three hundred and fifty-six; while the other States have a majority of sixteen in the Senate, in a total membership of eighty-eight. The nine States of Colorado, Nevada, North and South Dakota, Wyoming, Montana, Idaho, Oregon, and Washington are represented in the upper house by eighteen Senators, and in the lower House by only thirteen members. New York, Pennsylvania, Ohio, and Illinois have only eight Senators, but they have one hundred and seven representatives in the House. The States of Nevada, Wyoming, and Idaho, with an aggregate population of less than two hundred thousand, are represented in the Senate by six Senators and in the House by three members, when the same population, if situated in New York or Texas, would be entitled to only one representative in the lower branch. Thus it is, that, notwithstanding a very large majority of the American people are for sound money, they are, under existing conditions, powerless to legislate on the subject.

The free-silver Republicans of the West are more virulent in their advocacy of legislation in the interest of the white metal than the free-silver Democrats of the South, because the Republican from the West represents a constituency directly interested in the production of silver, whereas the Democrat from the South has no interest in mining that metal, but is impressed, and rightfully so, with the belief that the people of the Southern States are retarded in the growth and development of their section by the want of sufficient currency to transact business. He

would be content if legislation was enacted securing adequate banking facilities.

There is no reason why the Southern people should differ from their neighbors across the Potomac and Ohio rivers in respect to a system of sound finance. Their interests are identical, and they are in constant commercial intercourse. Within the last two years the change of opinion on this subject which has taken place in the South has been very marked. The business men of St. Louis, Louisville, Richmond, Charleston, Savannah, Atlanta, Nashville, Memphis, New Orleans, and Galveston are as keenly alive to the importance of maintaining the public credit and the stability of our currency as are the business men of Baltimore, New York, Chicago, and Cincinnati. There is also a marked change in the agricultural districts wherever the question has been discussed intelligently and thoroughly. The intelligent farmer realizes he cannot prosper in a time of commercial paralysis. If a good banking law was enacted by Congress securing to the people of the South adequate banking facilities, its effect on the agitation for silver legislation in that section would be immediate.

Now that the tariff question has been practically settled for some years to come, patriotism points the way for the sound-money men of the two great political parties to cut loose from partisan environments and unite in giving the country a stable currency. But is such non-partisan action probable or even possible?

It seems not. Already the Republican leaders are attempting to make the country believe that it is suffering from a reduction of taxation and a consequent inadequacy of revenue, rather than a vicious currency. Notwithstanding it is plain our present revenue laws will yield in the near future ample means to meet our expenditures, it is the declared policy of the Republican leaders to increase taxation as a means of restoring confidence to the country. Such a party makeshift as this would result in increasing the burdens of the people and not in securing improvement in our financial system.

The conclusion is therefore reached that it would be better to go on under existing conditions until Congress meets in December. In that time it will be demonstrated to the country that our revenues are ample for all the purposes of the Government,

and that it is not more, but better, money which our necessities demand. It is hoped that Congress will then be without an excuse, and it will be forced by public opinion to face the question and dispose of it. In the mean time the country will go on with the discussion and will come to a better understanding of its needs. Time is an essential element in the right solution of all difficult problems.

JOSIAH PATTERSON.

IV.

I am very much inclined to reply, on the spur of the moment, as did the lady who was asked whether she had read Humboldt's *Cosmos*, "No," she said, "I tried one bottle of his Buchu and that's all I want of Humboldt."

Thus answering this question in regard to an extra session involves the query whether such a session would be so constituted as to be able to achieve practically different legislation and results from the preceding ones of the Fifty-third Congress. If it is to be more of the same Humboldt, we want no more of it; if a substantially different one, perhaps we do.

Hardly any one, free from the absolute blindness of political prejudice, doubts that the Fifty-third Congress, as constituted, has been not only a positive evil, but a most dangerous menace hanging over the country and its business interests, as threatening as the sword of Damocles. Therefore, an extra session, capable of no different action or probable effects, or so proscribed or handicapped by any power or hindrance that it could not in all probability accomplish legislation radically different in principle from that of the present Congress, is not needed.

In considering the possibilities of legislative enactment at the present time, we have learned from the annals of the private correspondence of high officials, made public, that the Executive must be considered as really a part of the legislative branch of our government. Time was when the best statesmanship of our country inclined to doubt the propriety of and to limit the extension of Executive interference. Said President Lincoln :

"By the Constitution, the Executive may recommend measures which he may think proper, and he may veto those which he thinks improper, and it is supposed that he may add to these certain indirect influences to affect the action of Congress. My political education strongly inclines me

against a free use of any of these means by the Executive to control the legislation of the country. As a rule, I think it better that Congress should originate as well as perfect its measures without external bias. I therefore would rather recommend to every gentleman who knows that he is to be a member of the next Congress to take an enlarged view, and post himself thoroughly, so as to contribute his part to such an adjustment of the tariff as shall produce *a sufficient revenue*, and in its other bearings, so far as possible, be just and equal to all sections of the country and classes of the people."

This last sentence is wholesome, and, in view of the following considerations, applicable, although an *obiter dictum* as to the immediate proposition. Without stopping to discuss further this question of the propriety of direct Executive interference in the origination and perfection of legislation, I shall state now the one possible condition on which an extra session would in my judgment be advisable. If we were warranted in presuming that the present Executive, as a factor in possible legislation, would rise to such an eminence of patriotism, unprecedented by his party predecessors, as to say to the country, in calling an extra session, what President Lincoln said in the words just quoted, then I should say that such a session is needed, and if carried out in good faith by the Legislature and Executive would be most desirable and beneficial. Nothing would be more gladly hailed by the people of this country now than such a proclamation by the President. Just imagine for a moment this country having certain knowledge of Mr. Cleveland thumbing over the messages and documents of Abraham Lincoln, suddenly coming to the one I have quoted, and saying to his Secretary of the Treasury: "Mr. Carlisle, here's the cure, here is good sense. Call Mr. Springer in with that last proposal which I sent to Congress, and let the wisdom of Lincoln save the country again without bonding the generations for fifty years to come." Does any one really doubt that if the President were capable of doing so this moment, life and hope would instantly and permanently thrill the heart and business of this nation, prosperity ensue, and that the people of America would place him by the side of Lincoln in our history?

But we have no warrant for such presumption of action by the Executive. On the contrary, we have the authority of a recent statement by the Washington correspondent of a New York paper, that the President still refuses to credit or adopt the view held by Republican members and by members elect, and

by people generally throughout the country, that the present trouble and distress is owing to deficiency of revenue, and to the effect of the recent revenue enactment upon the country's industries and business. Besides that, we have his former views and declarations and the inferences from his recent special message to the same effect. Therefore we are warranted in concluding that no economic legislation different in principle or effect from the disastrous performances of the present Congress could be consummated by an extra session.

Besides the Executive impediment there is the problem of an endless, or perhaps I should say immortal, Senate. Doubtful as to political complexion, always certain as to being "from everlasting to everlasting," with no liability whatever to the indignity of ever being forced, even by itself, to come to a conclusion, restricted only by the calendar and the Constitution, such a body, composed as it will be after March 4, with no certain working majority of either party, affords little hope of simplifying the problem already contemplated by an adverse Executive, or for affording that speedy action which would be necessary and which might be possible, otherwise, for an extra session.

Certainly the condition of the country cannot be intensified or rendered worse for the absence of that anxiety which always, from the very nature of things, attends an extraordinary session of Congress. Reduced to the severest financial test, surely the banks of the nation would not shrink from that patriotic duty which history witnesses them performing in earlier days, when, after courting foreign aid in vain, the moneyed institutions and the individual benefactors of our country came with generous and noble purpose to the rescue and became the financial Gibraltar of salvation.

With such faith in our ability to endure the hardest tests, and in that patriotism of our citizenship which never yet has failed the nation, even in the darkest hour, I believe that the welfare of the country would be better served without an extra session than by any compromise that might be reasonably expected from the antagonistic and doubtful factors that would most certainly compose and be involved in such a session.

ROBERT G. COUSINS.

TWO YEARS OF DEMOCRATIC DIPLOMACY.

BY SENATOR CUSHMAN K. DAVIS, OF MINNESOTA.

THE conduct of our foreign relations during the last two years has not reflected honor upon this country. It is proposed to vindicate this statement by a brief consideration of several conspicuous incidents.

The existing law lays a duty of one-tenth of a cent per pound on sugars which are imported from or are the product of any country which pays a bounty on their exportation. Against this the German Ambassador protested as a violation of our treaty with Prussia, concluded in 1828, which provides in substance, first, that duties shall not be higher than "on the like articles being the product or manufacture of any other foreign country," and, second, that any particular favor granted by either party to any other nation shall immediately become common to the other party. The Secretary of State sustained the validity of this contention, and so advised the President. The consequences of this construction are so serious, the limitations which it allows the treaty-making power to impose on the general legislative power are so restrictive, that its correctness cannot be admitted, except upon the clearest demonstration. It is subject to the following, among many objections.

The treaty contemplates only special and isolated favors to be extended gratuitously in some particular instances to some favored nation. That Germany, paying the bounty, should be entitled to the benefits of an advantage inuring to many other nations which pay no bounty, not as a concession to any of them, but a mere incidental and collateral result from an act of legislation upon a matter of internal concern, was never contemplated by the contracting parties, nor does the treaty upon any fair construction allow it. This is plain from the terms of the treaty, which import

only special and particular favors to some particular nation. Upon principles long since settled, such provisions in treaties are not restrictive of the power of either nation to legislate for the benefit of its own internal concerns, such as the protection and encouragement of its domestic industries. The present case falls within that principle. The production of sugar is an exceedingly important industry of the United States. The tariff law of 1890 granted a bounty to stimulate production, and to enable the producer to compete with Germany and the other nations who by paying such bounties had created an immense output. The act of 1894 took away this bounty from the American producer. As compensation in some degree, and to enable him to compete with the same foreign producers, and, also, as a measure for revenue, the duty of which Germany complains was imposed by the act of 1894. That, as an incidental effect, this revenue measure of internal policy may be beneficial to all nations which do not pay bounties does not constitute a breach of the stipulations of the treaty with Prussia. If this is not the correct view, it is most certain that the power of Congress to legislate in matters of revenue and internal concern can be suspended, impaired, or destroyed by the exercise of the treaty-making power.

The imposition of an export duty on sugar by Germany will, under circumstances easily to be suggested, become inimical to its production in this country. That policy may become, in fact it has become to some degree, potent to break down production in other countries, and thus to enable Germany at some time to control the price. So that, upon the contention of Germany and the acquiescence of the Secretary that such an internal regulation is, because of its incidental effect, a breach of the treaty, it follows that Germany, did before the passage of the act of which she complains, place herself in the same hostile position of discrimination which she charges the United States with assuming, and cannot complain of the infraction of an obligation which had previously been broken by her.

The vexatious and retaliatory policy of Germany by which, as an act of reprisal against our revenue legislation, the introduction into that Empire of our meat products has been obstructed to the point of practical prohibition, is notorious. The exercise of the police power is the pretext; the determination to retaliate by exclusion is the cause. That other nations whose products are not thus

excluded will be benefited by this policy to the degree to which the United States will be injured is very plain. On the very reasons of Germany's contention against us, as stated by her representative, and improvidently admitted by the Secretary of State, the answer that should have been made by that officer to the protest was conclusive and obvious.

The question receives further illustration by a reclamation made by Germany against another provision of the law of 1894, which provides that any country admitting American salt free shall be entitled to the free admission of its salt into this country, and that the salt of any country which imposes a duty on our salt shall be dutiable here. Germany imposes a duty on salt exported from the United States. Shortly after the Secretary had advised the President respecting the sugar tax, the German Ambassador made protest against the imposition of the duty upon German salt upon the same grounds that he had taken as to sugar. He asserted that while Germany apparently levied a duty, it was in reality an excise tax, and that, therefore, German salt could not rightfully be subjected to duties when exported to the United States. If this position is correct, it also invalidated his contention as to sugar, and afforded the State Department a conclusive answer to it out of his own argument. The Attorney-General correctly advised that the salt is dutiable, and it also follows from his opinion that the conclusion of the Secretary as to sugar is without support by any argument except special pleading.

The relations of reciprocity established between the United States and many nations under the provisions of the tariff act of 1890 were destroyed utterly by the act of 1894. The results of those relations, even within the short period of their existence, were most encouraging. It was clearly apparent that, if allowed to continue, they would within a few years enormously increase our commerce, including our carrying trade, with the nations and colonies of the Western Hemisphere. The Democratic party, which has always clamored for foreign commerce and insisted that protective legislation destroys it, struck down this beneficent system of reciprocity by a single blow. The effect of this destruction upon our trade with Cuba illustrates its inevitable detriment to our commerce with all other nations or colonies with which we had entered into relations of reciprocity under the act of 1890. The existing tariff law went into effect August 28, 1894. Under

reciprocity with Cuba the duties on flour and breadstuffs imported from the United States into that island for each 100 kilos were as follows :

Wheat, 30 cents ; flour, \$1 ; corn, 25 cents ; meal, 25 cents.

On August 28, 1894, as an effect of the abrogation of reciprocity, these commodities, and all others embraced in the arrangement, came under the operation of another and higher schedule of duties imposed by Cuba, which had been superseded by the lower duties imposed under reciprocity. These higher rates were, for each 100 kilos, upon :

Wheat, \$3.95; flour, \$4.75; corn, \$3.95; meal, \$4.75.

This was substantially prohibition, as appears from the quantity of flour imported into Havana from the United States during the last four months of the following years :

1892, 156,110 bags ; 1893, 105,043 bags ; 1894, 12,995 bags.

The proceedings of the present administration respecting Hawaii form a composite of blunders, cruelty, and usurpation. When Mr. Cleveland entered upon his present term there was absolutely no question between the United States and Hawaii excepting that of annexation under the treaty which had been negotiated during the administration of Mr. Harrison, and which was then under consideration by the Senate. The royal government of Hawaii had been overthrown by a successful revolution. That success had been so complete, and its processes so unexceptionable to all of the representatives of foreign nations at Honolulu, that each of these officials recognized the provisional government immediately after its installation. The act of abdication of the deposed queen, containing also her protest and her submission to the decision of the United States, were before President Harrison prior to the conclusion of the treaty of annexation.

All these were necessarily considered. They were decided by the act of recognition and by the conclusion of the treaty for annexation. So that when Mr. Cleveland assumed the Presidency he found, as to Hawaii, the transaction as perfectly and irrevocably concluded as were the recognition by his predecessors of the republics of France and Brazil. This established, executed, and inviolable status the President of the United States undertook to destroy. His attempt to retract recognition of a nation and to restore its pre-existing form of government stands

unique and unexampled in the history of civilized diplomacy. A nation once recognized so continues. It has become vested with that irrevocable right, so far as the recognizing nation is concerned. Any other rule would subject weak states to most precarious contingencies at the caprice of stronger nations; and it is as to weak states that the sanctity of such principles should be most scrupulously observed. Under these principles it was not for Mr. Cleveland to consider whether the United States forces had assisted in the deposition of the Queen, or whether it had been effected against the will of a majority of her subjects. These questions had been decided by the administration of his predecessor and by other nations when they recognized the new government. There was no more warrant for the President of the United States to reverse or to question this action than there is for him to-day to question the recognition of the republics of France and Brazil.

In disregard, and probably in disdain, of these obvious and well-settled principles, the President proceeded to attempt to "undo the wrong," and instructed our Minister to stand forth before the head of a nation to whom Mr. Cleveland had accredited him and demand that he should abdicate his functions, overthrow his own government and restore the sovereignty to a woman whose inherited barbarism had declared itself in the expression of her determination to execute capitally the leaders of the revolution, to exile their families, and to confiscate their property in the event of her restoration.

The business was covert in its beginning and in its conduct. The United States had at Honolulu a Minister who had been duly appointed by President Harrison and confirmed by the Senate. But the sinister work was not to be intrusted to him or to a regularly appointed and confirmed successor. It was confided to an emissary—at once emissary and unconfirmed ambassador—styled "Commissioner," commended by President Cleveland to President Dole as to his "great and good friend," invested by his letter as with "paramount authority" in all matters between this government and that of Hawaii, paid from the confidential diplomatic fund, and whose name was never sent to the Senate.

This was plain usurpation of power by the Executive. The Constitution is express upon the necessity for both appointment and confirmation of diplomatic officers. That the inordinate

powers given by the President to Mr. Blount constituted him such an officer and required his nomination and confirmation there can be no doubt. If Mr. Blount was not such an officer then every regularly appointed and confirmed diplomatic official may be subjected to the control of a secret and paramount familiar of the President.

The performances of Mr. Blount; his investigations of the Hawaiian incident preceding the revolution and after its success; his confederacy with the representatives of seditious societies of natives organized to overthrow the government of President Dole and to restore that of the Queen; his receiving communications upon public matters from her and her cabinet, signed by her in her royal name, and by them officially as her ministers; the disturbing hopes that his conduct excited, and was intended to excite, of the restoration of ignorant and sanguinary royalty to rule over men and women of American, English, German, and Scandinavian blood,—need not be more than mentioned. The American people have condemned the devious malpractice in its entirety. Mr. Cleveland's plan having failed, he apparently abandoned it with the statement that the matter had been left to Congress.

The provisional government was succeeded by a republic, which, in its turn, was recognized by all nations. It was hoped that then would end the persecuting animosity of the greatest against the weakest of republics. The hope was vain. Against the warnings of a most competent officer, which subsequent events justified with the accuracy of the fulfilment of prophecy, the United States ship-of-war was ordered from Honolulu. The predicted consequences followed. An English vessel, which had been a smuggler of Chinese into the United States and of opium into Hawaii, was chartered for the kindred work of smuggling arms from a British port into Hawaii to aid a royalist insurrection. The revolt took place; blood was shed and lives were lost; American citizens and property were endangered. After all this had been done, after the attempt for which an opportunity had been afforded had failed, a ship-of-war was ordered from San Francisco to Honolulu. Had the vessel been allowed to remain at that port no revolution would have been attempted; her mere presence would have prevented it. Her departure was the signal and occasion for rebellion.

The malign disposition of the present administration towards Hawaii, and its active hostility to the policy which for more than fifty years has declared to other nations that Hawaii shall never be acquired by any power excepting the United States, are further shown by recent events.

By the existing treaty Hawaii stipulates with the United States not to lease or dispose of any port, harbor, or other territory, or to grant any special privilege or right of use therein, to any other power. In the latter part of the year 1894 commissioners representing the British, Canadian, and Australasian governments appeared in Hawaii, ostensibly for the purpose of obtaining for a private English company the privilege of a station upon one of the islands for a submarine cable to be laid from Canada to Australia. It was not, on its face, a government enterprise. It was that of a private company to be aided by public subsidies, but it was undoubtedly destined, when dominion of one of the islands should be secured, to become the property of Great Britain or Canada. The treaty with the United States does not prohibit Hawaii from granting such a privilege to a private company. In that respect she is as free as any other state. The necessity or motive of the British Government for thus promoting the interests of an enterprise apparently private becomes apparent upon examination of the proposed agreement. It there appears that Necker Island, or Bird Island, or French Frigate Shoals Island, or some other uninhabited island which the British Government may select, is to be leased to Great Britain or its assignees without any limitation as to time except so long as the cable shall be maintained. Why the British Government requires a lease to itself to enable a private company to establish a telegraph station on one of the Hawaiian Islands can be explained not otherwise than by its determination to obtain dominion over one of that group. Great Britain has most providently occupied and possessed several isolated islands in that portion of the Pacific, but none of them is sufficiently near the Hawaiian group to serve the purpose of that power. The President of the United States recommended to Congress that the treaty be so modified as to permit the acquisition of this territory by Great Britain, and thus enable her to instal herself on one of the islands with the advantage of her own cable communications to her dependencies in the South Pacific Ocean and elsewhere. It

is not probable that the United States will consent to this, and it is not correct to say that Hawaii desires it. The cable will, in due time, be laid by this government, or under its authority. It is not desirable that this outwork and bulwark of our commerce and possessions upon the Pacific Ocean shall be preoccupied or co-occupied by any foreign power in the manner proposed by Great Britain in the present instance.

The delivery to China by this Government of the two Japanese students at Shanghai, and their decapitation at Nankin, remain to be considered. It is difficult to discuss this abominable transaction with moderation. The blood of those youths is on our hands. They were under our protection. We gave them up, actively surrendered them by an exercise of executive power, to what we knew was certain death. It is in vain that this administration answers the question, "Where are they?" which civilization asks, by the plea of the first murderer, "Am I my brother's keeper?" The answer is: "What hast thou done? The voice of thy brother's blood crieth unto me from the ground."

War was declared by Japan against China, August 1, 1894. In anticipation of this event the Secretary of State, on July 26, 1894, instructed our *chargé* at Peking by telegram that, China acceding, he should act as custodian of the Japanese legation and afford friendly offices for the protection of Japanese subjects in China, either directly or through consuls acting under his instructions. On the same day the *chargé* instructed by circular the United States consuls in China that, at the request of Japan and with the consent of China, the United States had agreed, in event of war, to take under its protection all Japanese subjects residing in China. On July 31 further instructions to the same effect were given. On August 6 the Tsung-li-yamen wrote to our *chargé* reciting that all Japanese merchants and others residing in China had been placed under the protection of the United States. He also stated that a number of Japanese had been deputed from Tientsin as spies. He threatened severe punishment under the laws of war, but he gave assurances that, although war exists, merchants and other natives of Japan, peacefully pursuing their vocations, will be protected. The yamen repeated these assurances of protection on August 12.

The foregoing summary presents the status assumed by the United States and agreed to by China up to August 18th, 1894.

The two students had been brought into question a few days before that date, as will hereinafter appear. The decisive attack upon them was made in Washington by the Chinese Minister. On August 18th the Secretary of State telegraphed to the *chargé* at Peking that the Chinese Minister had complained that the United States Consul at Shanghai had been protecting Japanese spies, and directing the *chargé* to report immediately and fully. This order produced a very full correspondence between the Secretary, the *chargé* and the Consul, from which the following appears.

Immediately upon the declaration of war the Japanese Legations and consular offices in China were turned over to the United States. At this time there were about 3,000 Japanese in Shanghai. Among them were the young men in question, who are described in a letter from the *chargé* to the Secretary of State as schoolboys, who had resided for a long time peacefully and openly on the French concession. It appears that they had come to Shanghai from Japan three years previously to attend a commercial school to learn the Chinese language and thus to fit themselves for mercantile transactions between the two countries.

The Chinese authorities seeing them on the French concession, where they had lived openly for three years, demanded of the French Consul that he give them up as spies. The only allegation that they were spies was that they were dressed in Chinese clothing. This, it seems, is forbidden to foreigners by the Chinese law, but the prohibition had not been enforced. It was usual for many foreigners in all parts of the empire to thus apparel themselves, and these young men had done so throughout the greater portion of their residence in Shanghai. The French Consul refused to deliver them to the Chinese authorities, but knowing that the American consuls had, under the instruction of their government, assumed the protection of the Japanese residents, he caused them to be arrested by the French police on the French concession where they resided and delivered them to the American Consul. The Chinese authorities demanded them from this officer, who refused until he should receive instruction. It was at this point that the Chinese Minister at Washington made his complaint to the Secretary of State.

The Secretary, after receiving information of the facts as

above detailed, telegraphed the *chargé* on August 21, 1894, that our legation and consulates in China are not authorized to hold Japanese accused of crime against the demands of the Chinese authorities. To this the *chargé* replied, by telegraph, stating the report of the Consul-General that the accused were mere schoolboys, peacefully and openly living at Shanghai. He requested that he be directed to order an examination by the United States Consul in the presence of Chinese officials, and urged that China should not be allowed to inflict barbarous punishment, even if the accused should prove to be guilty.

To this the Secretary, on August 29, replied, by telegraph, that lending good offices does not invest Japanese with extra-territoriality, nor should legations or consulates be made asylums for Japanese who violate local laws or commit belligerent acts. He states that the Consul-General should not have received the two Japanese, and is not authorized to hold them. He rejected the suggestion that the Consul act as arbitrator.

This was the decisive death warrant. It was a wide departure from the arrangements made a month before with the consent of China, that the United States Consul should protect the subjects of Japan who conducted themselves lawfully. The result was that the *chargé* ordered the consul to deliver the Japanese to the Chinese authorities, and they were delivered on the 3d day of September, 1894. In the meantime the Chinese viceroy at Nankin had been inquiring with great solicitude why the heads of the spies had not been sent to him. The young men were taken from Shanghai to Nankin. They were subjected to frequent examinations. Examination in Chinese criminal procedure is torture, and no reliance is to be placed on the alleged information that they were not tortured. Under the law of that Empire conviction is had only after confession, and confession is extorted by most ingenious and excruciating torture. It is to be presumed that the judge who tried these youths proceeded according to the laws of the Empire, especially when it is considered that its penal code provides for the flagellation of the judge himself with a bamboo in case he fails to proceed according to law. Finally, on the 8th day of October, 1894, the students were beheaded at Nankin. Before these young men were delivered up, the Secretary of State exacted a promise from the Chinese Minister that they should not be tried until the return to Peking of Mr. Denby, the

American Minister, who was then on his way from the United States to China. This promise was violated by the trial and execution of the students before Mr. Denby arrived in China.

The conspicuous fact which stands in the forefront of this transaction is that the protection which the United States agreed to give to Japanese in China was, by the consent and agreement of the latter power, reiterated by acknowledgment after the war had begun. So that there is really no question here, such as sometimes arises when diplomatic protection is given in the territory of a power which has never given its consent thereto. This obvious consideration should have been decisively applied by this government as a reason why it could not, and would not, deliver up the students in the manner it did upon mere accusation and demand, and without any proof. But, laying this controlling consideration out of the case, as the department laid it out, the action of this government must stand condemned both upon principle and precedent.

The right of asylum is warranted by the law and practice of nations, although there has been much controversy between the jurists upon what particular principle it is based. That it can stand upon the extraterritoriality of the diplomatic premises, was formerly asserted in theory and maintained in practice in all civilized countries. In the growth of civilization, and by the certainty that humane justice will be dealt to every offender, and from the inconvenience and frequent scandal of its exercise, the right of asylum on this ground has theoretically ceased to exist in Europe, except as to Spain.

The right to grant asylum exists, nevertheless, everywhere under certain circumstances which justify its assertion. It is not derived from any other principle of international law. It is a principle in itself.

Even as to the nations of Europe recent exceptions to the disuse of the principle have not been infrequent. The United States Minister protected the German residents of Paris from the violence of the Commune, and his action was universally commended. The right has survived as to Spain. In 1841, the Danish *chargé* protected in his dwelling a number of the leaders of a conspiracy to seize the queen and to overthrow the ministry of Espartero. In 1848, Mr. Bulwer, the British Minister at Madrid, gave like protection, and the houses of the other foreign

ministers were crowded with refugees. During the revolution in Greece, in 1862, refuge was granted in the legations to persons whose lives were in danger. The right remains as to several of the South American States and has been exercised frequently. The American Minister to Paraguay protected subjects of European nation from the merciless power of Lopez. Minister Egan made the American legation a sanctuary of protection during the recent civil war in Chili, and when that government proposed to search the legation, threatened to shoot any one who should make the attempt. The right and duty have survived in Spain and South America because retribution in those countries has always been prompt and sanguinary.

As to barbarous and semi-civilized nations the right and duty have always existed, and have always been asserted, until in the present instance.

These Japanese had been residents of the French concession for three years. Their presence at the American legation was not only rightful, but it had been invited by the arrangement for the protection by this government of Japanese residents, to which China had assented. Safety during the war to law-abiding Japanese had been promised by China. In case of a charge that any Japanese had committed an offence he was entitled to the proceedings necessary for the reclamation and extradition of alleged criminals, and he was not liable to be lawfully given up on a verbal demand, based upon a charge unsupported by evidence.

With the consent of China, and at the request of Japan, the United States had undertaken the protection of the Japanese. Thousands of these, relying upon that protection, had come to the treaty ports from the interior of China, and one thousand of them were in Shanghai at this time. They supposed, and had the right to suppose, that protection meant what the word means. After the situation had come to be as described, it was suddenly revealed by instructions from Washington that protection means merely "good offices," verbal influence, persuasion, entreaty, anything but action. And a practical definition was given by this government of this phrase, "good offices," by delivering these students to their executioners, upon the promise of the Chinese Minister that they should not be tried until the return to China of the American Minister. There is one parallel to "good offices" of this character. The familiars of the Inquisition always

delivered the tortured heretic to the secular arm, to be burned at the stake, with most touching entreaties not to harm him.

The United States received these students from the French Consul, who delivered them upon the faith of the undertaking of the United States to protect them. The French Minister at Peking declared that the Consul would never have surrendered them to China, and that he had no right to do so. When the United States determined, at the instance of China, to violate its undertaking to protect, and to convert existing protection into a surrender of the captive, with a plea for mercy, it should have insisted that the credulous victims of its promises should be placed in the position they occupied when they were transferred to our custody. It was the duty of this government to return them to the French concession whence they had been taken, and to the French Consul, for he also had been misled.

There is another point of view from which the enormous delinquency of our government can be contemplated. Whatever may be the correct principle of the right and duty of asylum, no government ever gives up a fugitive or refugee as an act of executive power upon the mere verbal demand of another government that the accused is wanted; nor is such a delivery ever made upon the mere statement of the accusing government that the fugitive has committed a crime. There must be formal demand and enough proof to show that there is probable cause to believe that a crime has been committed, and that the accused is guilty. This proof sometimes consists of sworn complaints made to the tribunals of the demanding government. Sometimes proof in addition to this is required.

This is the practice among civilized nations, where humane trial and usage of the accused are matters of course. But in this case, in which these youths were delivered by this government like dumb brutes into that vast abattoir of torture, mutilation, and butchery known as Chinese law, none of these protections was thrown over them. The demand was verbal; it was sustained by no proof except the pretext that the students had continued to wear Chinese raiment for about a week after war had been declared. They had worn it without question for more than a year, as other foreigners had done in many parts of the Empire. The papers found upon the students after their arrest are not in the official correspondence. This government in delivering the

victims seems also to have delivered the evidence which was to destroy them. No copies seem to have been retained. They probably were of little incriminating force except in a Chinese court, where torture is the expounder of evidence and the producer of confessions. But the Consul assured the Department of State that the papers were such as any students might prepare in the course of their instruction, and expressed his belief that the youths were innocent.

The Secretary of State ordered that persons accused of crime must be surrendered. This is not the law. Mere accusation does not warrant such surrender. This Government was not bound to actively exert its executive power by giving up these youths upon the mere statement of a Chinese official that they were spies. Our representatives in China requested the Department to allow them to retain the refugees until their criminal character and acts could be investigated. This request was not granted. China was not entitled, upon the most adverse construction of the laws against the students, to require the United States to perform the active function of delivery of the accused simply because they were Japanese. Accusation was necessary of some kind, and in support of accusation proof was necessary to show the probability of their guilt before this Government could be bound, under any construction of the law, to deliver them up. Upon whom was the duty, in whom was the right, to pass upon this proof? Certainly not the Chinese demandant. Such a construction takes out of the case and subtracts from the law of such cases the very essential and requisite of proof.

The charge was that these students were spies. The circumstances and antecedents of the accused demonstrate its improbability. There was not then a Japanese soldier on the soil of China. No Chinese army or military lines were anywhere near Shanghai. The accused were residents of the French concession. It is not asserted that they even went beyond its limits. They were not spies under any definition, even if their pockets had been found stuffed with military information.

Mr. Hall, in his work on International Law, gives this definition :

"A spy is a person who penetrates secretly, or in disguise, or under false pretences, within the lines of an enemy, for the purpose of obtaining military information for the use of the army employing him."

Mr. Winthrop, in his treatise upon Military Law, furnishes the following definition :

"A spy is a person who, without authority and secretly, collects material information within the lines of one of the hostile armies, with a design of imparting it to the other."

It is apparent, not only that the students were not guilty, but that no offence whatever had been committed. This crime is not a civil offence. It is a military offence, under the international law which prescribes the laws of war. The department should have refused to deliver these men, upon the ground that they were not spies under any definition outside China.

Switzerland has no diplomatic or consular representative in China, and citizens of that Republic are under the protection of the Minister and Consuls of the United States. If war should break out between Switzerland and China the United States would be bound, by this, its own precedent, to deliver up to certain death any Swiss refugee whom China accused of being a spy.

War, at some time, between the United States and China is a very probable event. Suppose it should begin. Hundreds of American missionaries, men and women, wearing the Chinese garb, as the correspondence shows many of them to do, would take refuge in the legations and consulates of Great Britain, France, and Germany. China, producing this American case strictly in point, could demand them as spies or as offenders otherwise. Of course not one of those puissant nations would follow the ruling of the United States, even as against its own citizens. But, according to Secretary Gresham, they would by refusal to do so transgress neutrality, abuse the principle of extra-territoriality, violate international law, and generally place themselves in a position of great logical unpleasantness.

Looking at our bloody hands, well may we say, "This is a sorry sight." What no nation would do, or has ever done, we have done. The Eagle has been made a hunting-hawk for China, and most skillfully and fatally did she strike her quarry.

The conduct of our foreign relations during the last two years has not reflected honor upon this country.

CUSHMAN K. DAVIS.

A NEW DEPARTURE IN ENGLISH TAXATION.

BY THE RIGHT HON. LORD PLAYFAIR, K. C. B.

SIR WILLIAM HARCOURT'S budget, as Chancellor of the Exchequer in England, is based on the principle that death duties should be graduated on realized wealth in proportion to the size and value of the estate. An estate worth £100 at the death of the owner is taxed 1 per cent., £1 being due to the government, while £99 passes to the heir. But an estate of £1,000,000 has to pay 8 per cent., £80,000 being due to the government and £920,000 passing to the heir. The new progressive tax does not begin till estates have reached £25,000 in value, although there are old death duties under the law of 1853 which are payable by all estates, so, under the old and the new law, estates worth £1,000 have to pay £20; estates valued at £10,000, pay £300; an estate of £100,000 is taxed £5,500, and one of £1,000,000 pays the highest tax of 8 per cent., or £80,000.

The adoption of progressive taxation in ratio to realized wealth, as a permanent principle of English finance, involves such important consequences that it deserves careful consideration by all countries which have been accustomed to look upon the United Kingdom as thoroughly conservative in its dealings with property. No doubt the principle of graduation in taxation has appeared in a tentative form in various kinds of English taxes. The assessed taxes are chiefly on wealth, for the rich have to pay for licenses to carry armorial bearings, to keep carriages, and to powder the hair of their footmen. The inhabited house duty is another instance in which taxes are levied in ratio to value, and there are other cases of a like kind, such as the exemptions from income tax and the old estate duty. The income tax clearly involves the principle of graduation, both in the United States and in England. The entire exemption of payment of persons having incomes of

less than four thousand dollars in the former country, and of £160 in the latter, while partial exemption is given up to incomes of £400, involves the principle of graduated taxation, though it does not go so far in its application as to tax in ratio to the amount of income. These past instances of graduated taxation in English finance are probably accidental or are merely tentative. Sir William Harcourt's new budget, for the first time, makes a bold and permanent application of the principle that large estates, both personal and real, should pay death duties in proportion to their size. Formerly, taxation at death was complicated and unjustifiable in its mode of incidence, real estate escaping from some kinds of taxation to which personal estate was liable; but all forms are now brought under an identical scheme of taxation, which in future is to be called "Estate Duty."

These changes in the system of English taxation have not been made without violent opposition by the wealthy classes. The adoption of graduation is a sign that democracy has largely increased its power in English politics. As long as the fiscal policy of the State chiefly depended on the upper classes of society, progressive taxation had little chance of acceptance. It is viewed with greater favor now that political power has shifted to the great body of the working classes. No one can be blind to the possible danger of the principle of graduation. A graduated tax on realized wealth has no well-defined limits, and could be pushed by irresponsible power to the extent of confiscation. Indeed, it has sometimes been used for this purpose by Eastern despotisms and by revolutionary democracies in Europe. It is, therefore, the bounden duty of all rational governments to watch with great care the growth of progressive taxation, so that it may not exceed the fair equities of contribution to the purposes of the State. It is impossible for nations to blind themselves to the many loose theories of taxation advocated by the extreme section of the Socialists, or to the wild ravings of Communists and Anarchists. The inequalities in the distribution of wealth give a color to their theories, and so long as realized wealth refuses to show willingness to pay according to ability, in an equitable way, these theories will become part of the popular belief and may lead to disastrous results. The great experiment now made in England is believed by the present Government to be a fair concession to the demands of a reasonable democracy, while it is

a barrier to the advance of unreasonable opinion. The opponents of the principle look upon it as an inclined plane to communism, or, at least, as "the thin end of the wedge" which may be driven home so as to disrupt society. The Liberal party in England, however, are practically unanimous that progressive taxation must be adopted as a wise conservative measure, which will be safe-guarded by the good sense and moderation of the great body of the people who may be trusted to protect realized wealth from the attacks of small, but mischievous, societies of Communists and Anarchists. The late Earl of Derby was one of the most conservative and level-headed politicians of this generation and has left a record of his public experience in the following words, published since his death: "I have learned more and more forcibly the uselessness, to put it on no other ground, of attempting to resist the progress of popular ideas, and I have come to think more and more highly of the moderation, the fairness and the general justice with which the masses of men, including all conditions of life, are disposed to use their power." No words could better explain the reasons which have induced liberal statesmen in England to concede, and, at the same time, to regulate the demand for progressional rates in death duties. The writer uses the adjective "progressional" advisedly, because certain political economists, who oppose progressive duties, think that progressional taxation indicates a rational and discreet application of the principle.

The opponents of progressional death duties, both in the House of Commons and House of Lords, met Harcourt's measure with the same arguments which Cavendish used against Pitt's Bill in 1795, and which another Cavendish, in the person of the Duke of Devonshire, better known as Lord Hartington, again repeated to the Peers during the debate of the present year. Both the Cavendishes contended that, if large estates were heavily taxed, the beauty and charm of rural England would disappear, because great domains, with their extensive parks, plantations, and pleasure gardens, must be cut up into allotments and market gardens, or, at the best, into small villas with ten-acre enclosures. To the numerous Americans who have travelled in England and admired its parks, moors, and forests, as well as its stately mansions, this argument of the two Cavendishes, though separated by a century in time, will still appear to be potent. During that century we have had much practical experi-

ience. Pitt indeed failed to carry his scheme of taxation in 1795, but its general principles were adopted in an act of 1853, by which duties were imposed on succession and estates. While that measure was passing through Parliament the prophets of evil again denounced the destruction of rural England just as they are doing in 1894. Yet the great estates still survive and their capital value has immensely increased. The Duke of Devonshire contends that certain ornamental estates, in which considerable parts, such as the mansion, the pictures, the woods, the gardens, are for enjoyment and not for profit, must be taxed, under the progressional scheme, to such an extent as to charge five years' rental of the estate upon the incoming heir. Cases of this kind will, no doubt, occur and are to be regretted, though, fortunately, they will be rare. Estates chiefly consisting of agricultural land, even if in a millionaire's possession and paying the highest tax of 8 per cent., will seldom have to pay more than two years' income. The Government contend that this death duty is not a charge upon the heir, but a deferred debt due to the State by the deceased ancestor. It is, in fact, a deferred and cumulative income tax, charged on the possessor of an estate, and payable at his death by his executor along with other debts which the deceased may have incurred. If the testator desire that his realised capital should go to his heirs undiminished in amount, he ought to secure this deferred State debt by insurance on his life. As the new progressive taxation only begins on an estate of between £25,000 and £50,000, and then amounts to £250, an insurance policy for this sum could be taken out by a man aged 40 at the moderate payment of seven pounds annually. A man leaving the substantial fortune of £100,000 would require to provide £1,500 for the increased State duty at his death, and he might secure this big insurance at an annual premium of £40. The happy possessor of a million sterling, who has incurred a State debt of £80,000, one-half of which consists of the new progressive tax, could insure the payment of this increase by an annual premium of £1,100, or the whole estate duty at £2,200. This yearly thrift on an income of at least £30,000 is not excessive. The writer knows an instance of a well-known multiple millionaire who has insured his life for £200,000 in order that his capital may pass undiminished to his heirs. There are cases of aged persons and of uninsurable lives

in which insurance cannot be adopted, and then the owners will probably defeat the Government tax by transferring their estates during their lives to the intended heirs.

This is quite possible, and in some cases it is being done, but the life of owners is short and that of the State is long, so that the adjustment of income to the increased tax will in time become normal.

Having shown that the application of progressional taxation to death duties in England is not dangerous in its present form, it may be well to consider it more generally in its relation to the acknowledged doctrines of political economy. It may at once be admitted that the older political economists, and some of the modern, are opposed to progressive and even to progressional taxation of realized capital either during the life or at the death of the owner. Adam Smith saw in such a tax the discouragement of thrift and its ultimate incidence on the working classes. John Stuart Mill opposed the principle of progression in its application to income tax, but he admitted that it might fairly be applied to death duties. Some French economists, like Montesquieu and Say, approve the principle of progression, but think it should be applied with great care and discretion. Say goes so far as to contend "that taxation cannot be equitable unless its ratio is progressional." Walker and some other American economists treat progressive taxation in an open spirit as an academic question, in which the United States have only a theoretical interest.

Since the time of Solon the subject of progressive taxation has been before law-givers and economists, and the fact that it has been so sparingly adopted in civilized States may fairly be construed as an admission that the principle is viewed with suspicion and distrust. According to the Solonian laws the citizens of Athens were divided into four classes. The lowest class was altogether freed from taxation; the second class was assessed upon a capital estimated at five times the amount of their income; the third class at ten times, and the fourth or richest class on a capital assumed to be twelve times their income. This example has not been extensively followed, though a few countries such as Germany have not hesitated to tax capital when the needs of the State were great. A sense of equity has kept such taxation within narrow limits, and it is only among Eastern despots and

French revolutionists that it has been carried to dangerous lengths. It has never taken deep root as a universal principle of taxation. A more common principle of State contribution has been that the equities of taxation should mainly rest on the ability to pay, or on the protection given by the State. Writers, like the well-known philosopher Babbass, have contended that every workingman should pay income tax according to his earnings, because he receives as much protection from the Government as the millionaire. Taxation cannot be assessed in the ratio of protection, because the greatest amount of it is given to the poorest and feeblest of the population—to children, women, paupers and the disabled. When people are earning merely living wages they cannot pay a tax, for, if it were taken by the tax collector with one hand, he must restore it with the other as a pauper's dole. Wage-earners of full working ability do contribute to the State through indirect taxation of commodities, but they could not bear the added burden of an income tax without destroying their thrift as a provision for old age; for the abstraction of a fraction of their wages is far more burdensome to the working classes than is the withdrawal of a like fraction from the income of rich men. Hence, in countries with an income tax, the principle of graduated taxation has insensibly crept in by exempting persons at the lower part of the scale. In Harcourt's recent budget, while he increased taxation on the rich, he exempted wholly or partially all persons with incomes of less than two thousand dollars. Although the income tax was increased by another penny on the pound, the English Government felt that it would bear no more in time of peace. It might have been made progressive in relation to annual earnings, but that was more dangerous than the taxation of realized wealth, because incomes form a precarious security, being dependent on health and the maintenance of working ability. It is desirable to encourage the earner who is struggling to save for himself and his family, so as to have a provision when his faculties fail. All taxation interferes with production, so the statesman has to choose that form which will cause least evil.

The taxation of the United Kingdom is not excessive, when compared with other countries, but this year the Chancellor of the Exchequer has had to find new sources of revenue to meet a deficit of four and a half million sterling. The continued increase

in the armaments of Europe, and more especially of France, is a subject of grave anxiety to England, and produces panics at intervals of five or six years. Then the richer classes get up an irresistible agitation for an increase of the British navy. The working classes do not take an active part in this agitation and remain passive spectators of this movement among the capitalists. The Liberals, as a party, advocate a steady increase and efficient maintenance of the navy, but they distrust these periodical scares which lead to sudden and extravagant expenditure. The present Government does not seem to have been unwilling to give an important object lesson to the capitalist and combative classes that they who call for the tune ought to pay the piper. The rich men, who thus find themselves hit with the progressive taxation, protest by the well-worn argument that, as a tax on realized capital lessens productive industry, its ultimate incidence must be on the working classes. Admitting that all taxation is injurious to reproductive industry, except that portion which is spent on education or for the prevention of crime, it may still be asserted that it is not more injurious to take money out of realized capital than it is to take it out of income, the sources of the thrift which produces capital. The English Parliament has acted on this conviction in the past by taxing estates on the death of an owner to the extent of £10,000,000 annually, and during the present year has, by progressional taxation, added £3,500,000 to the revenue. A tax of less than £14,000,000 on realized wealth is like a tiny drop of water taken out of a large bucket on the point of a needle, for it is absolutely insignificant in proportion to the huge accumulated wealth of the nation. In proportion to the annual increase of capital, it is also a trifling abstraction. The danger is not in the present, but in the future, because it opens up a new form of taxation, which might lead to inequities between class and class. The security against these is in the good sense and prudence of the people, who are not likely to kill the goose that lays the golden egg. No doubt all European States are in great danger of future financial troubles. Every nation had deficits in the budgets of the present year, and most of them have supplied the deficient revenues by new loans, which are only a means of postponing the day of bankruptcy. For some years the war budgets of Europe have been increasing at the annual rate of 23 per cent. It is certain that this cannot continue without financial

ruin. A serious diplomatic effort is now being made, not to lessen existing armaments, but to come to an international understanding, that the present war expenditure shall be fixed as a maximum, not to be increased during the remaining years of this century, by which time the unholy competition among nations to increase their preparations for war may have subsided, and national disputes may be settled by arbitration, instead of by blood-shedding. There seems to be a possibility that nations, which all dread war, may desist for a few years from increasing their vast war budgets, and that a maximum expenditure has been reached. If this happy result should be attained, the new departure in taxation of the English Government is not likely to lead to far-reaching consequences.

PLAYFAIR.

THE OLD PULPIT AND THE NEW.

BY BISHOP CYRUS D. FOSS, D. D., LL. D., OF THE METHODIST
EPISCOPAL CHURCH.

THE stimulating article in THE NORTH AMERICAN REVIEW for February, by the Rev. H. R. Haweis, M. A., on "The New Pulpit," does not exhaust this fruitful and familiar subject. Some conception of the ideal it sets forth may be gathered from the closing sentence: "There is only one man who, whatever estimate we may have formed of him personally, has ever approximately grasped the true functions of the New Pulpit, and that man was Henry Ward Beecher."

I cheerfully accept the editor's invitation to call attention, from a different point of view, to some of the essential elements of what has been fitly termed "the third great institution of Christianity," preaching. It is not my purpose to do this in a controversial spirit, for I think controversy is generally a foe to truth; and yet I must traverse the ground of several of Mr. Haweis's most important postulates. Few thoughtful men would care to object to his definition of "The New Pulpit" so far as it goes. "It may be asked what I mean by the New Pulpit. A pulpit in touch with the life of the period; a pulpit up to date; interested in what is interesting; capable of refocusing religion; quick to note when a phrase is outworn; resolved to find why clever men won't listen to sermons; convinced that every pursuit, occupation, discovery, and faculty of man should have a moral thrust, and be prepared to give it." But it would be impossible to find an "old fogey" old enough to say one word in apology for the "Old Pulpit," as Mr. Haweis caricatures it. "The old pulpit not only will be, it has been, superseded—it is stricken with dogmatic ague, it is palsied with fear; it would persecute if it could, but it can't, for it has ceased to inspire convictions worth

persecuting." Nevertheless I still have the hardihood to put the word "old" into the title of this article.

The preacher's first duty is to make men listen. He must command attention. He may utter profoundest truths of the highest importance, but if he cannot somehow make them interesting he might as well preach in a graveyard as in a church. How to make men listen to the same speaker twice a week for years—this is the puzzle and the despair of many a preacher.

We are told of the Incomparable Teacher that "the common people heard him gladly"; and many who did not hear him gladly, yet heard him, and kept on hearing at every opportunity. It is a fact of immense advantage to the world that He is the contemporary and leader of all the ages. His teachings can never be "outworn"; rather to the end of time the greatest of men will only be rising into a less inadequate apprehension of their meaning. Neander profoundly says: "Jesus would not have been Son of God and Son of Man had not His words like His works, with all their adaptation to the circumstances of the times, contained some things that are inexplicable—had they not borne concealed within them the germ of an infinite development, reserved for future ages to unfold. It is this feature—and all the evangelists concur in their representations of it—which distinguishes Christ from all other teachers of men. Advance as they may, they can never reach him; their only task need be, by taking Him more and more into their life and thought, to learn better how to bring forth the treasures that lie concealed in Him."

What is the preaching needed to-day? No example can show us so well as that of the Great Teacher. He dwelt incessantly on "the kingdom of Heaven" which he had come to set up on earth. He constantly used parables to show what this kingdom is "like"; so that it was almost literally true that "without a parable spake he not." He said: "Every scribe which is instructed unto the kingdom of Heaven [i. e., to modernize it, every intelligent preacher of the good news I bring] is like unto a man that is a householder, which brought forth out of his treasures things new and old."

So he himself did. "Things new," of course; divine revelation was not yet complete; the New Testament was to be added to the Old; and new and many-sided applications of the truth were to be made to the ever-changing needs of the world. But also

"things old"; he who was the Truth did not brush away at a stroke all the imperfect past and create a perfect present; he quoted "Moses and the prophets," and declared that he "came not to destroy, but to fulfil," them. In full accord with that divinely wise plan which, alike in nature, in the Bible, and in history, works by development and growth, he shows us that the New Testament has its roots in the Old, and can never be torn away from it. His trustful use of the ancient Scriptures during his temptation by the devil, in which (not pausing to ask whether Moses wrote the whole of the Pentateuch) he drew from the sheath of Deuteronomy three good blades, before the gleaming points of which Satan fled, and his frequent declaration that he kept on his steady march to the cross "that the Scriptures might be fulfilled," may well teach hypercritics a much needed lesson.

I think nothing is more noticeable in the teaching of Jesus Christ than the simplicity and directness of its illustrations drawn from the common life of the commonest sort of common people, and its searching application of eternal truths to the evils, needs, and duties of the age and country in which he lived. No preacher who has any proper sense of the force of the Master's example can fail to attempt to apply the ever old truth to the ever new want of the world; and that pulpit which, in any fair degree, succeeds in this endeavor, will be perpetually "new."

The scope of preaching is thus made manifest. It must deal with all human interests in their moral and religious aspects. It may shoot wide of the mark, but it cannot go beyond its legitimate range. Its blunder often is, not in touching or treating a great variety of topics, but in dealing with them wrongly. So the question is not so much *what* the minister shall preach, as *how*. Shall he preach about politics, municipal reform, courtship, marriage, divorce, the theatre, dancing, temperance, the suppression of the liquor traffic, the relations of capital and labor, tenement-houses, the water supply of cities, Sunday newspapers, biogenesis, evolution? Certainly, *if* (alas, a great if), *if* he knows enough to do it wisely. All these things lie within his range as a man divinely called to stand in the front rank of the moral and religious teachers of the world. He is specially set apart for this high function, and relieved of secular cares, that he may prepare himself for it. Men naturally look to the pulpit to

incarnate the best conscience of the age, and listen to it with high respect if it deserves respect.

Concerning the minister's duty in relation to politics I had opportunity to express myself fully in my article on "Politics and the Pulpit" in *THE NORTH AMERICAN REVIEW* for November, 1892; so I shall here add but a few words. No doubt a minister may do great harm and little good by making his pulpit the arena for political party strife. His frequent advocacy or denunciation of any political party, as such, will be justly felt as an offence by good men who honestly differ with him. The most numerous denomination of Protestant Christians in this country long since flung to the breeze the banner of Total Abstinence and Legal Prohibition; its chief legislative body declares, "We do not presume to dictate the political conduct of our people," and after a ringing report on the diabolism of the drink traffic, and the urgent duty of suppressing it, adds, "This report shall not be construed as an indorsement of any political party." Yet, while the pulpit sacredly respects the right of individual judgment in voting, it must thunder against all political malfeasance and corruption; it cannot "have fellowship with" any "throne of iniquity which frameth mischief by law." It must lift up its voice like a trumpet when a reform mayor begins what (let us hope) will yet be a great and noble career, by consorting with the worst enemies of society to secure the legal opening of liquor saloons on Sunday. It is an instructive fact that the recent great political overturning in the metropolis of this country, which has broken up one of the vilest and strongest governmental machines that ever cursed any city, and has quickened the pulses of millions of honest men, was chiefly due to the strenuous and persistent efforts of a single preacher of the Gospel. But for Dr. Chas. H. Parkhurst, New York would still be ridden and fleeced and defied by Tammany. In his book on *Our Fight with Tammany*, Dr. Parkhurst says:

"It was the pulpit that did the work; journalistic roasting, these vagabonds will enjoy and grow cool over. But when it is clear that the man who speaks it is speaking it, not for the purpose of putting money into his pocket or power into his party, but is speaking it because it is true, and, in speaking it, appreciates his oracular authority as one commissioned of God to speak it, there is a suggestion of the Judgment Day about it, there is a presentiment of the invisible God back of it, that knots the stringy conscience of these fellows into contortions of terror. Warning power of the

pulpit? There is all of power in the pulpit that there is of God voicing himself through the man who stands in the pulpit."

Let the pulpit learn that it must stand up for the Ten Commandments, even when a monster Moloch political machine has undertaken to grind them to dust.

Next after municipal reform and the general purification of politics, the burning question for the American citizen is the Labor Question; that is, the problem how to establish just and humane relations between employers and wage-earners. This issue must be squarely and successfully met, or else our boasted civilization must accept the brand of disastrous failure. Mr. John Trevor, the founder of the miscalled "Labor Church," strikingly says:

"In the labor movement we have manifested the real vital energy of our time. Before the fierce activity of this growing force all the old powers are bending the knee. It is a new life which demands a new interpretation; and with it to urge them forward. Religion and science and politics are reaching newer and truer conclusions. It is the commanding genius of our age, which on all sides compels new canons of criticism and a fresh set of rules for the Art of Life."

His evident sincerity and noble purpose at once account and atone for some exaggeration. Surely a crisis is on us. This country must reckon with the labor movement. The great strikes which have paralyzed vast industries from time to time, and which last year shook the whole fabric of trade and travel, are symptoms of a deep and growing discontent. The causes and the cure of that discontent must be sought by all good men. Pre-eminently this inquiry is the fit work of the church and of the pulpit. Nothing is settled until it is settled rightly; and the settlement of this question on a basis of everlasting righteousness is the indispensable work of the highly civilized countries in the near-to-morrow.

One of the serious embarrassments in the case is the careless and current utterance of sundry half-truths and flagrant errors, as though they were truisms beyond dispute. In one or the other of these categories may be classed the assumption of the absolute right of unlimited accumulation of wealth, the right of every capitalist to employ or dismiss the laborer on his own terms and at his own will, and the indefeasible right of every laborer to strike when he will without notice. Many a leading editorial in our chief dailies has assumed, as needing no argument, the

incontestable truth of these fundamental fallacies. But surely society must find its way to some law (happy if it may be the Divine Law of Love) to prevent such enormous accumulations of wealth as have built up grinding monopolies and corrupted political and judicial action; surely the rights of capital in the employment, dismissal, and remuneration of laborers, at least in the case of great corporations fattening on public franchises, are radically affected by their duty to the public; surely no man has a right to strike under circumstances which imperil the lives or the property of multitudes of persons entirely innocent of any relation to his quarrel with his employers. Of course I speak of moral right and not of mere legal permission; for, at best, human law is only a clumsy attempt to realize in acts some of the plainest principles of essential righteousness.

The absolute right to strike is so generally assumed that we must pause a moment here. Has a surgeon a right to strike in the midst of an amputation? Has the crew of a ship the right to strike in a storm at sea? Had the engineer of the Ferris Wheel the right to strike with fifteen hundred people suspended in mid-air? Has a locomotive engineer a right to strike and leave his train between stations, imperilling hundreds of lives?

These hints of thought suffice to suggest that the open questions between employers and wage-earners can never be wisely settled until men learn to think about the rights of others as well as their own, and to discuss duties as well as rights. Foremost among the leaders in this crusade of peace and goodwill must be the ministers of religion. Men of no other class have such opportunities for notable usefulness in this inviting field; and they themselves have no other work more urgent. The pulpit should proclaim, with all the emphasis it can command, the perils and duties of rich men, and the absolute destruction to character which the love of money habitually works. Prophets, apostles, and the Lord himself furnish abundant material for this purpose. "He that getteth riches, and not by right, shall leave them in the midst of his days, and at his end shall be a fool." "He that maketh haste to be rich shall not be innocent." "How hardly shall they that have riches enter into the kingdom of God." "They that will be rich fall into many foolish and hurtful lusts which drown men in destruction and perdition."

It must also proclaim the perpetual obligation of all men at all

times to obey the laws of the land ; that civilized government is a divine institution ; that even when Nero was on the throne of Rome an inspired apostle declared that " The powers that be are ordained of God ; whosoever, therefore, resisteth the power resisteth the ordinance of God " ; that mobs and riots are utterly wicked, and should be instantly and sternly suppressed, if need be, by bullets ; that " order is Heaven's first law " and society's first need, a need more imperative than even liberty itself ; and that the pulpit and the church can not fail to be the sympathizing friends and allies of all workers who seek their real rights by lawful means.

Another topic which needs fuller and wiser treatment from the pulpit is popular amusements. The attitude of the minister on the question thus suggested should be determined under the regulative influence of the following general principles and precepts. 1. Candid recognition of the need of amusements. 2. Cordial approval of all amusements, within due limits, which are in themselves innocent, and which experience proves to have no injurious associations or tendencies. 3. Firm, clear, bold condemnation of manifestly demoralizing amusements. 4. The utilization of the home as the world's great pleasure garden. 5. Such employment of all Christian and moral people in such beneficent activities as shall preoccupy their minds and polarize their hearts into instinctive repulsion of debasing amusements ; thus illustrating what Chalmers termed " the expulsive power of a new affection." 6. A standard based on the ethics of the New Testament, which allows large personal liberty, and yet enjoins in some things the surrender of personal liberty for the general good. 7. The final practical test to be, as it is stated by that wonderful man whose ecclesiastical statesmanship was excelled only by his " genius for godliness," John Wesley, the taking of only " such diversions as can be used in the name of the Lord Jesus."

We must frankly recognize the need of amusement. Asceticism was one of the most grievous blunders that religion ever made. Its day has passed away for ever, with that of the rack and the thumbscrew. God meant this for a happy world—I had almost said for a jolly world. Birds chant, lambs frisk, kittens gambol, brooks sing. Play is the great business of young children, and the urgent need of many a tired man. Man is the only laughing

animal. At the best, those supposed ancestors, assigned us by such as trace our origin, not to the Garden of Eden, but to the zoological garden, can only grin. We have no proof that any animal but man can "take in a joke" with or without "a surgical operation." Mirth and wit are faculties of man, just as truly as reason and conscience; and are faculties to be used and richly enjoyed. At least, let such as have only the faintest rudiments of these faculties be modest enough to pass charitable judgment on such as luxuriate in them. Robert Hall's question to a criticising, tombstone, clerical brother was profoundly philosophical: "Brother, suppose it had pleased the Almighty to endow *you* with wit, what would you have done with it?"

The rules above suggested furnish ample ground for the unsparing condemnation of some popular amusements; that is, such as break over all due limits of time, or lead to gambling, lewdness, and moral degeneracy. They rule out the theatre and the promiscuous dance, and have brought these under the ban of the highest councils of almost every branch of the Christian Church, and also of the foremost philosophic moralists of every age. They are also full of suggestion as to some forms of college athletics. All honor to wise physical culture. The body is the temple of the Holy Ghost, and should be made and kept as strong and alert and healthy and enduring as possible. Let every college encourage gymnastics, and all forms of open-air athletic sports—the jollier the better—if they are harmless. But if baseball and football must require such overtraining as shall make a young man merely a splendid brute, developing his muscle at the expense of his brains and his health; and if they must be so played as to encourage betting and bone-breaking, then every college should frown them down, and, if need be, put them down.

The principles which should govern the pulpit in the treatment of the three topics we have thus considered—Politics, the Labor Movement, and Popular Amusements—will apply to sundry other subjects which we cannot now touch. The method of that treatment is highly important. Its moral quality and practical value may be destroyed by a flashy sensationalism. It must go to the Bible, and thence bring forth "things new and old." Here is a perennial and exhaustless fountain. When, therefore, the author of *Verbum Dei* speaks of the Holy Scriptures as "a great and indispensable primer to the human spirit," I de-

mur. "Primer!" It is a complete Cyclopædia of moral and religious truth, for all the world, to the end of time. In eighteen hundred years there has not been added the dot of an "i" or the cross of a "t" to the moral and religious teaching contained, in germ, at least, in the Bible. Its wise expositor can never lack material for ample illustration of the duties and rebuke of the sins of modern life. John Robinson, of Leyden, in his farewell address to the Pilgrim Fathers, with the true spirit of a reverent student of the ever new Book, said: "I am very confident the Lord hath more truth and light yet to break out of His Holy Word." Biblical theology must of course be a constantly advancing science, but it is in the Word that all its materials are found.

By keeping close to the Bible, therefore, and always bearing in mind that his primary function is distinctively spiritual, and only thus, can the preacher deal successfully with the manifold and ever varying phases of human life. Only thus can he make himself felt as God's voice to men, and lead them into a new life. In certain quarters it is quite the fashion to slur "the preaching of the Gospel." So-called pulpits are set up which cast impious flings at "the orthodox trust for salvation to the blood of a crucified Jew." The five principles of Mr. Trevor's "Labor Church" can all be accepted by a Deist; so it is not surprising that as he frankly says, in some cases "the Church is little more than a Sunday meeting of the Labor party, usually with the prayer omitted."

Thomas Chalmers preached for twelve years, with all his splendid eloquence, on "the meanness of dishonesty, the villany of falsehood," etc., and did his utmost to make men better by secular motives. He frankly gives the result of this experience in these words: "I never heard of any such reformation having been effected; if there was anything at all brought about in this way it is more than I ever got any account of. It was not until the free offer of forgiveness through the blood of Christ was urged upon men, that I ever heard of any of those subordinate reformations." His example impressively shows that the pulpit, which is to transform the world, must grapple with the consciences of men in God's appointed way. It will thus bring forth from its treasures things perpetually "new," by drawing evermore on the irrepealably "old."

CYRUS D. FOSS.

MARK TWAIN AND PAUL BOURGET.

BY MAX O'RELL.

WHEN I came to the United States for the first time, some eight years ago, an eminent American said to me: "My dear friend, I have no doubt that, on returning home, you will write a book on America and the Americans. Now, let me give you a warning. When you have been six months with us you will believe, honestly believe, that you have enough material for such a book; but if you stay six years you will come to the conclusion that the attempt is beyond your power."

I said nothing; but I confess that I thought to myself: "I am all right—I am going to be here six months only."

A man of average intelligence, who has passed six months among a people, cannot, it is true, express opinions that are worth jotting down, but he can form impressions that are worth repeating. For my part, I think that foreigners' impressions are more interesting than native opinions. After all, such impressions merely mean "how the country *struck* the foreigner." If I met an American who had spent a week in Paris, I should probably feel inclined to ask him *à l'Américaine*, what he thinks of that city. If he had lived there twenty years it would not enter my mind to ask him the question, because he would have *opinions* and not impressions, and his opinions would be of no interest to me. I once read a most fascinating little book on Denmark, by Charles Joliet, entitled *A Week in Denmark*. The book is kindly, good-humored, and of unflagging verve. It has no depth. Why, of course not. *A Week in Denmark*, that is an honest title, if you like! I pick out of the book the following impression: "The Danish women bear the French colors: red lips, white complexion, and blue eyes." This is the

kind of impression I like, something superficial, light, sympathetic, good-humored, and kindly.

When I published *Jonathan and His Continent*, I wrote on a preface addressed to Jonathan : "If ever you should insist in seeing in this little volume a serious study of your country and of your countrymen, I warn you that your world-wide fame for humor will be exploded."

A book, written by a man who has spent six months in a country, on that country and its people, whether by one of the brightest ornaments of modern literature like M. Paul Bourget, or by a professional humorist like Mark Twain, is a joke. M. Paul Bourget has attempted a serious book, a book of opinions, which makes the joke perfectly huge, and Mark Twain does not like it. Now Mark Twain, as a professional humorist, does not appreciate other people's jokes. Professional humorists never do. But I believe that in this case it is M. Paul Bourget who is the humorist and Mark Twain the dull man.

Mark Twain himself writes of foreign countries in a true, genial spirit. He once struck the real impressionist note when he wrote of France, and exclaimed, on entering the bedroom of his hotel and seeing no soap on the washstand : "What, waiter, no soap ! Don't you know that soap is indispensable to an American, and that only a Frenchman can do without it !" The non-humorous Frenchman would reply to Mark Twain : "My dear sir, we French people are a peculiar sort of people. We carry our own soap in our trunks when we travel, and would have as much objection to using that soap as to using an old stray toothbrush we might find on the same piece of furniture." And, as I said in an article published in the November (1894) number of *THE NORTH AMERICAN REVIEW*, nations are not better or worse than others—they are different." For example, some like soap second-hand ; some do not. *Voilà*.

I am not aware that a book on France and the French, written by a foreigner, flattering or otherwise, ever was a success, or read, or even heard of in France. We do not in the least concern ourselves about what people think or say of us. If we did, as the Anglo-Saxons do, we would study how to hide our faults instead of boasting of them. We would do as the Anglo-Saxons—we would boast of our virtues, especially those which we have not got. We would be Pharisees, instead of being Publicans, ever

ready to confess our shortcomings with a gay candor, which, by the way, ought to disarm unkind criticism. Like the Americans, if ever we became fond of criticism of ourselves, we should like compliments that offer us flattery, and criticism that gives us offence. So far, we care for neither. We are satisfied to know that all the foreigners of the world are concerned about us. We are a modest nation.

Mark Twain has given to the Anglo-Saxon world what M. Paul Bourget has given to the French, the impressions of his travels. He, too, is "an Observer of peoples, a Classifier, a Grouper, a Deducer, a Generalizer, a Psychologizer," though, perhaps, not a Thinker. Mark Twain not a Deducer! What about the soap story just mentioned? Why, he is a Prince of Deducers! a Prince of Generalizers! but, withal, a humorist, a genial, good-humored writer, and, on that account, I thought, incapable of writing such an article as appeared in the January number of THE NORTH AMERICAN REVIEW.

Mark Twain does not like M. Paul Bourget's articles on America. To tell the truth, I do not either. Mark Twain, however, only read the English translation of *Outre-Mer* that appeared in a leading New York paper. The translation is clumsy, and gives no idea of the original. I had this advantage over Mark Twain that I read *Outre-Mer* in French, and I found the sauce almost good enough to make me enjoy the fish. The style of M. Paul Bourget is so beautiful that I can read his books, forgetting the matter for the manner, just as I would listen to Adelina Patti singing scales.

So, I repeat, Mark Twain does not like M. Paul Bourget's book. So long as he makes light fun of the great French writer, he is at home, he is pleasant, he is the American humorist we know. When he takes his revenge (and where is the reason for taking a revenge?) he is unkind, unfair, bitter, nasty.

For example:

See his answer to a Frenchman who jokingly remarks to him:

"I suppose life can never get entirely dull to an American, because whenever he can't strike up any other way to put in his time, he can always get away with a few years trying to find who his grandfather was."

Hear the answer:

"I reckon a Frenchman's got *his* little standby for a dull time too; be-

cause when all other interests fail, he can turn in and see if he can't find out who his father was."

The first remark is a good-humored bit of chaffing on American snobbery. I may be utterly destitute of humor, but I call the second remark a gratuitous charge of immorality hurled at the Frenchwomen, a remark unworthy of a man who has the ear of the public, a gross insult to a nation friendly to America, a nation that helped Mark Twain's ancestors in their struggle for liberty, a nation where to-day it is enough to say that you are American to see every door open wide to you.

If Mark Twain was hard in search of a French "chestnut," I might have told him the following little anecdote. It is more funny than his and would have been less insulting. Two little street boys are abusing each other. "Ah, hold your tongue," says one, "you ain't got no father." "Ain't got no father!" replies the other; "I've got more fathers than you."

Elsewhere Mark Twain wonders what France could teach America. I may, by and by, enlighten him a little on the subject. "Novel writing?" he exclaims. "No, M. Bourget and *the others* [the italics are mine] know only one plan, and when that is expurgated there is nothing left of the book."

Now, the style of M. Paul Bourget and many other French writers is apparently a closed letter to Mark Twain; but let us leave that alone. Has he read Erckmann Chatrian, Victor Hugo, Lamartine, Edmond About, Cherbuliez, Renan? Has he read Gustave Droz's *Monsieur, Madame et Bébé*, and those books which leave for a long time a perfume about you? Has he read the novels of Alexander Dumas, Eugène Sue, George Sand, and Balzac? Has he read Victor Hugo's *Les Misérables* and *Notre Dame de Paris*? Has he read or heard the plays of Sandeau, Augier, Dumas, and Sardou, the works of those Titans of modern literature, whose names will be household words all over the world for hundreds of years to come? He has read *La Terre*—this kind-hearted, refined humorist! When Mark Twain visits a garden, does he smell the violets, the roses, the jasmine, or the honeysuckle? No, he goes in the far-away corner where the soil is prepared. Hear what he says: "I wish M. Paul Bourget had read more of our novels before he came. It is the only way to thoroughly understand a people. When I found I was coming to Paris I read *La Terre*." Fancy my saying: "When I found I

was coming to America, I read Mr. W. T. Stead's *If Christ Came to Chicago*." And *La Terre* is a work of fiction; the other is based on facts, and is written by a man who may be called a faddist, but whose sincerity and honesty nobody doubts.

So, Mark Twain read *La Terre*. Who is the Anglo-Saxon who has not read that book which has had such a phenomenal success in Great Britain and America, but has been such a ghastly failure in France? To Mark Twain's guide in Paris the Louvre was the *Grands Magasins*, not the museum; to Mark Twain, French literature is *La Terre*. If it was so to some low drummer, *passe encore*; but to a leading light of modern American literature, pshaw!

"What would France teach us?" he exclaims again. "Morals? No, we cannot rob the poor to enrich ourselves." Now, shall I tell Mark Twain that the proportion of illegitimate children to legitimate ones is nine per cent. in Paris, twelve per cent. in New York, fifteen per cent. in Chicago, and more than that in San Francisco? Oh, I don't like to mention those things, but if Mark Twain wants them, here they are; and the French have an excuse for *liaisons* that does not exist in America, where marrying and un-marrying are made so easy that really it cannot be worth anybody's while to do without it.

There are so many pleasant reminiscences you can keep of countries you have known, if only you have visited their best places, frequented their best people, and read their best books.

For one thing, at least, I am grateful to know that I have not lost the respect of the people whom I have criticised in my books or in my lectures, and I feel satisfied that I have not to apologize to any nation for what I have written about her people.

What good could be obtained by informing the French that there is more low, repulsive, unheard-of vice in a square block of Chicago and San Francisco than in a square mile of Paris! It would wound the feelings of the Americans without making the French happy, and the Americans would feel it all the more that they, including Mark Twain, know it to be true. No, no, the "Observer of Peoples" has a better mission than that, especially if, like Mark Twain, he has had the good fortune to obtain popularity in the book market as well as on the platform. He should strain every nerve to smooth away difficulties; he should never utter a phrase that could give offence to any nation. And if he

has at his disposal that most formidable weapon, humor, he should use it to laugh away international prejudices.

"What could France teach America?" exclaims Mark Twain. France can teach America all the higher pursuits of life, and there is more artistic feeling and refinement in a street of French workingmen than in many avenues inhabited by American millionaires. She can teach her, not perhaps how to work, but how to rest, how to live, how to be happy. She can teach her that the aim of life is not money-making, but that money-making is only a means to obtain an end. She can teach her that wives are not expensive toys, but useful partners, friends, and confidants, who should always keep men under their wholesome influence by their diplomacy, their tact, their common-sense, without bumptiousness. These qualities, added to the highest standard of morality (not angular and morose, but cheerful morality), are conceded to Frenchwomen by whoever knows something of French life outside of the Paris boulevards, and Mark Twain's ill-natured sneer cannot even so much as stain them.

In France a man who was seen tipsy in his club would immediately see his name cancelled from membership. A man who had settled his fortune on his wife to avoid meeting his creditors would be refused admission into any decent society. Many a Frenchman has blown his brains out rather than declare himself a bankrupt. Now would Mark Twain reply to this: "An American is not such a fool; when a creditor stands in his way he closes his doors, and reopens them the following day. When he has been a bankrupt three times he can retire from business"? Oh, but I hate saying such things as these. I have seen so many beautiful sides to the American character, I have met such kind people, I have made such lovely friends in America, that I could not forgive myself for uttering one phrase that would give offence to the people of this great country. I am sure these American friends, warm-hearted friends of mine, will feel for me, and forgive me any little bitterness that may transpire through these lines.

International criticism is slippery ground to walk upon, and it is as risky to venture compliments as it is to utter criticisms. Once I said to an American reporter that, Frenchman as I was, I was ready to acknowledge the superiority of American coffee.

"Not even in France," I said, "can I get such a good cup of coffee as I get here." The next morning I read an interview thus headed: "Max O'Rell Is a Humbug; He Wants Our Dollars." Then I thought I would try what I could do with tea. Next time a reporter called I said to him: "Now, will you tell me how it is that in this country you can't get a cup of tea fit to drink?" The next morning I read an interview headed: "Max O'Rell Is Grumbling." I had insulted America. Well, from that I derived a good lesson. "In future," I said to myself, "when I speak of coffee, I won't pile it on; when I speak of tea, I will draw it mild."

When M. Paul Bourget indulges in a little chaffing at the expense of the Americans, "who can always get away with a few years trying to find out who their grandfathers were," he merely makes an illusion to an American foible; but, forsooth, what a kind man, what a humorist Mark Twain is when he retorts by calling France a nation of bastards! How the Americans of culture and refinement will admire him for thus speaking in their name!

Snobbery is not an American foible; it is an Anglo-Saxon one, not necessarily to be found among the younger branches. Old England reeks with it. The English know it. Thackeray knew it. He wrote a whole book to describe all the specimens of English snobs. The society papers of England know it, expose it—and live by it.

I could give Mark Twain an example of the American specimen. It is a piquant story. I never published it because I feared my readers might think that I was giving them a typical illustration of American character instead of a rare exception.

I was once booked by my manager to give a *causerie* in the drawing-room of a New York millionaire. I accepted with reluctance. I do not like private engagements. At five o'clock on the day the *causerie* was to be given, the lady sent a note to my manager to say that she would expect me to arrive at nine o'clock and then to speak for about an hour. Then she wrote a post-script. Many women are unfortunate there. Their minds are full of after-thoughts, and the most important part of their letters is generally to be found after their signature. This lady's P. S. ran thus: "I suppose he will not expect to be entertained after the lecture."

I fairly shouted, as Mark Twain would say, and then, indulging myself in a bit of snobbishness, I was back at her as a flash—

“Dear Madam : As a literary man of some reputation, I have many times had the pleasure of being entertained by the members of the old aristocracy of France. I have also many times had the pleasure of being entertained by the members of the old aristocracy of England. If it may interest you, I can even tell you that I have several times had the honor of being entertained by royalty ; but my ambition has never been so wild as to expect that one day I might be entertained by the aristocracy of New York. No, I do not expect to be entertained by you, nor do I want you to expect me to entertain you and your friends to-night, for I decline to keep the engagement.”

Now, I could fill a book on America with reminiscences of this sort, adding a few chapters on bosses and boodlers, on New York *chronique scandaleuse*, on the tenement-houses of the large cities, on the gambling-hells of Denver, and the dens of San Francisco, and what not ! But I will not do it, Mark. I have found, throughout the length and breadth of America, people who respect France and entertain for her nothing but feelings of affection. Mark Twain’s article will offend them quite as much as it offends me, and I have seen already many letters in the American papers loudly protesting against it.

Even if *Outre-Mer* were an abuse of America, the *tu quoque* argument is no answer to it. Mark Twain quotes nothing from the book. He innocently confesses that he reads *La Terre*. If that is all he knows of our modern literature, I may take it that he knows of French life only what was shown him on the Paris boulevards by the guide he had engaged.

I feel ill at ease having to write in English, which is not my tongue. I earnestly wish the editor of THE NORTH AMERICAN REVIEW would have allowed me to answer in French. Then I might, perhaps, have written a reply worthy of the circumstance. I have written it, however, “more in sorrow than in anger.” I can honestly say that.

M. Paul Bourget’s book is pretentious in its aim, and provincial in its execution. In the French original it is like anything M. Paul Bourget writes—a masterpiece of composition and style, and no translation of such a book can do it justice ; it is no more

translatable into English than the works of Victor Hugo, or than the works of Shakespeare can be into French.

M. Bourget's analysis of character is so subtle that his dissected subject is reduced to threads that often are hardly tangible. On that account the book will pass over the heads of many Americans, and will not be "thoughtfully and profitably studied" by them. It has passed over Mark Twain's head. *Outre-Mer*, however, is the work of a great man of letters, and of a gentleman. If the book will not teach much to the French, or anything to the Americans, it ought to have achieved at least one object—Mark Twain might certainly have derived from its perusal a lesson in politeness and good manners.

MAX O'RELL.

NAGGING WOMEN.

A REPLY TO DR. EDSON.

BY LADY HENRY SOMERSET, HARRIET PRESCOTT SPOFFORD, AND
MARION HARLAND.

I.

THE analysis given us by Dr. Cyrus Edson of the demerits of nagging as a science and an art is doubtless in the main correct. If that well-known specialist had made his criticisms apply to "a nervous man or woman" all through the article, as they do on the first page, he would have been more just, and as a consequence the good he doubtless has in view would have been more general and unquestioned. For those of us who have been widely observant of human life are perfectly aware that nagging is not a vice that attaches to sex, but is rather the outcome of a physical condition that is chiefly dependent on environment. Persons who wear their nerves on the outside of their skin will be difficult to live with, and whether they are men or women will make very little difference. If they are men and have a small orbit through which they wriggle from day to day, it will be a punishment well-nigh unendurable to cross that orbit even at a tangent. If they are women and have wide interests, much variety of occupation, and spend a good deal of time in the open air, they will probably belong to that class of whom it is written that if they cannot be cured they can be at least endured.

Any discussion of the nagging woman that fails to take into account the fact that she lives in a house instead of in the open, as we say in England; that she breathes a vitiated atmosphere most of the time—I mean the average woman; that she bears the strain of wifely and motherly cares minus the compensation that results from mingling with the daily life of the world and coming

into touch with its multifarious and inspiring interests, is to my mind unscientific. Take the average man and put him in similar surroundings, encase him in the same restricted garments that women wear, and the word "a nagging woman" would but feebly describe his condition, for he would be likely to become either mildly lunatic or altogether imbecile. The strength of woman's mind and body is illustrated beyond a peradventure by her survival in spite of the adverse physical conditions that surround her from the cradle to the grave, and on behalf of women in general may I intimate that it is a little trying to be restricted to the house, to have our costume determined by men—for their interests as manufacturers and merchants and their pride in the personal appearance of their women have combined to do this throughout the centuries—and then to have them turn upon us and describe us as the nagging sex when we are really, and have been from the first, the nagged. It is wonderful to see how the broader life of the last few years has diminished the nervousness of women, because it has given them access to God's free air and to a larger and hence a more normal life.

Let this good work go on; let the education, occupations and aspirations of men and women become more and more allied, and the children of the future will be obliged to look into "A Dictionary of Words Grown Obsolete" to find the odious words "nag, nagger, nagging." May all sensible men and women, all philanthropists and reformers, all mothers and statesmen, combine their forces to speed that better day.

ISABEL SOMERSET.

II.

It would be idle to dispute his statement of facts with the learned physician acquainted with the secrets of households and the labyrinths of our common nature. But it may be pardonable if one draws other inferences from the facts than those which satisfy him.

If, as it has been admitted in a recent article in this REVIEW, "the woman who nags suffers," is it really true that we "need not waste much pity" on her? And, moreover, that if her husband does not beat her, it might be better if he did?

I never could look at the early pictures of the woman in the

ducking-stool—mentioned without reprobation in that article—surrounded by a mocking crowd of men and boys, delighted with her torture, without the greatest pity for the woman and the greatest abhorrence for her tormentors. What caused the poor woman's furious temper—what day-long and life-long receipt of outrage and injury upon a temperament aggravated perhaps before she was born by her mother's receipt of the same sort of injustice and tyranny?

It is quite frankly acknowledged, in the outspoken article to which I refer, that "nagging women," as they are termed, are unquestionably invalids. So fully is this acknowledged that cases are cited of those who have died of their temper ;—although it has generally been thought that the violent temper which finds expression saves its owner. The specific statement is made that their habit of mind starves their bodies, the nervous excitement bringing on an inability to digest, and the inability to digest increasing the nervous excitement, a condition as unfortunate as that vicious circle involving the existence of the spider, the spider which cannot eat if she does not spin, and cannot spin if she does not eat.

But it is the business of the physician to heal the sick, not to accuse them. "Rest, rest, perturbed spirit!" Surely in the avoidance found by this poor victim rather of abnormal susceptibility than of evil tendency, her face written in many lines with the script of her ails, in repulsion, in disgust, in disdain, there is already punishment. And are there not yet unwhipped vices on which the ingenuity of those that have a taste for this sort of thing can be exercised?

It is, moreover, confessed that these sufferers are not accountable. "As over two-thirds of their grievances are imaginary,—that is, as two-thirds of the grievances for which they scold have no existence except as inventions in their own diseased brains,—the inability of insanity to distinguish between the real and the unreal has begun to show itself." Now, if their grievances are imaginary, they are irresponsible. And is it of any use to argue with an irresponsible or insane person as to the advisability of accepting annoyance without remark, or to propound mathematical statements to such an one as to the action and reaction of the draft of anger and of study upon the nervous force? It may be, however, that this mathematical presentation of the

effect of nagging upon the nervous system as *xy* would be better expressed by *xy* $\sqrt{-1}$, which carries the illustration where it belongs, into the region of the "Imaginaries."

The unpleasant women under discussion are capable, it seems by the statement of their rebuker, of doing any one of three things, perhaps not all three put together, nor all at once. They can make a husband brutal and profane; they can cause him to resort to bar-rooms and drunkenness; they can drive him to a madhouse.

Is there then so little stamina in the male nature?

"The woman tempted me, and I did eat."

But in point of fact, one has known husbands who were brutal whose wives were patient, long-suffering little Griseldas; husbands that were profane whose gentle wives shrank from an oath as from a blow, men who looked on the wine when it was red because they liked it, and who beggared and disgraced their families and drove their wives to their graves by means of it, and men who went to a madhouse because their fathers had abused their silent and submissive mothers for generations before them.

Indeed, everything of which this arraignment accuses wives is equally true of husbands. May not the time-honored jests concerning the mother-in-law and the mother's cookery be summoned as witnesses? Is there no husband whose return home is dreaded by every one in the house, from the wife to the cat; no husband whose wife lives with a worse than the sword of Damocles over her head in the knowledge that the least conscious or unconscious sin of omission or commission would furnish him excuse for seeking pleasures away from her; no husband whose perpetual accusation and fault-finding have made his wife's last wish at night one that she might not wake up in the morning? Speaking of madhouses, if there are none of these husbands, why is it that the preponderance of the inhabitants of these places are unhappy wives?

Two wrongs truly do not make one right; but why speak as if the wrong were all on one side? In reality, there is no sex in nagging. A husband may make his wife as wretched as a wife may make her husband. And I have even known a man who at the table stared his children out of countenance, gazing at them with great, cruel eyes till their own eyes fell, and they were unable to swallow in his presence.

It is quite as certain, as it is that it takes two to make a quarrel, that the distressing habit of nagging belongs no more to women than to men. We must all desire to see it abandoned; but, since wherever there is ill-temper there is always a cause for it, either in one's own disorder or in another's wrong-doing, perhaps we shall first have to see human nature perfected, and, alas! perfectibility is like the landscape of which the Irish gentleman, travelling by rail, remarked that you no sooner fix your eyes upon it than it is out of sight.

HARRIET PRESCOTT SPOFFORD.

III.

THE name of the distinguished physician and *savant*, Dr. Cyrus Edson, commends his *dicta* upon "nagging women" to readers and thinkers. He dissects the unpleasant "subject" deftly; he classifies the disease judiciously. That in one section of the clever essay he admits the habit of nagging to be symptomatic, in certain cases, of grave physical disorders, may excuse, in part, the presumption of the non-professional woman who ventures to protest against the trend of his treatise.

Without asserting in so many words that "the woman who ceaselessly complains and scolds, and generally makes a nuisance of herself to every one who is cursed by being brought into contact with her," represents a large proportion of her sex, our essayist so far succeeds in impressing the reader's mind to this effect as to throw him upon the defensive, if he be a man, by quickening his apprehensions of personal peril. Variations of the temper-thermometer he has passed over as common to all classes and conditions of women, may be the incipient stages of the "cursed shrewishness" that drives men to madness and murders love, and sometimes, in scorpion-fashion, stings the shrew herself to death. Nagging grows by what it feeds upon. What a tolerant, because ignorant, husband may be ready to excuse as passing petulance may be a cockatrice-egg. "Continual streams of scolding, lasting three or four hours" may await him in the future unless heroic measures are adopted without delay. He will not be so ready to "kiss and make up" the next time he is chidden for carrying an important letter in his pocket for a week after it was given to him to post.

The conclusion may not be logical, but all readers of THE NORTH AMERICAN REVIEW and all admirers of Dr. Edson are not logicians. To the average intellect the article under discussion has the tone of a medical manifesto issued at the approach of pestilence.

Whoever, by tongue or pen, upholds the mischievous theory of the natural antagonism of the sexes wrongs both. It is fashionable nowadays to teach and to hold that the best condition to be hoped for in the estate of matrimony is an armed neutrality. Every loving woman and true-hearted man resent the suggestion. In estimating that among many thousands of married couples there are scores of nagging wives and brutal husbands, we no more assail the general comfortableness of conjugal life than we brand as sickly a community where there are occasional outbreaks of scarlet fever and, now and then, a case of typhoid.

The glorious truth stands fast that the fullest measure of happiness known to humanity abides and endures in the Home. To harmonize the elements of the family that make the Home is true philanthropy. Fear of a disease leads to suspicion that the seeds of the malady lurk in the system. Belief in the presence of an epidemic speedily breeds it. It is wisdom, no less than kindness, to make the best of existing conditions; to represent moral and physical health as normal, diseases of body or mind as violence done to natural laws, and therefore exceptional in the tale of human experience.

Every woman who reads these lines bears witness with me to the infrequency in Christian homes of the scenes outlined by our author's graphic pen as common, if not general. We know that for every household where "the essence of nagging" is pungently evident to the home-coming husband and father, five hundred are swept and garnished for the return of the head and bread-winner. For every wife who meets her weary husband at evening with "fault-finding and scolding," one thousand dress worn faces in smiles and muster cheery phrases for the welcome of the jaded man. I am continually moved to admiration by the heroic and tactful ingenuity displayed by commonplace women in turning the bright side of their hard, prosaic lives toward the husbands who put into the dock of home for rest and repairs after the day's cruising in the windy world. I maintain that these are the representative wives and mothers of our land,

and that the sporadic outbursts of a temper frayed by domestic worries, the rebellion of nerves overtaxed by watching, soft over ailing girls and wailing babies and wild boys—not to mention the mother's physical mal-ease—call for the widest breadth and warmest folding of the cloak of charity, rather than for critical analysis. These women may sin much or little in this regard. They also love much.

Dr. Edson palliates the fretting and scolding of the actual invalid. I subscribe gladly to the justice of his tribute to the magnanimity of his sex in such circumstances. I go still further in saying that tender and clear-sighted husbands who are incidentally made to smart under healthy, but worried women's impatient speech, readily forgive and hasten to forget shaft and smart in consideration of the provocation to sharp or bitter words.

I doubt if in the social grade where the baited victim of the nagger takes refuge in the corner saloon instead of his club, the vice of persistent fault-finding and scolding be as prevalent as our brilliant essayist would incline us to think. When the brakes of love, religion, and conventional refinement are not applied to the temper, prudence, learned from experience, comes into play. Unless a woman be a rank fool she comprehends that where she, figuratively or literally, uses her nails, the husband or father will reply with his fists. For her own and her children's sakes she would fain keep her master in a good humor. One reads every day of wives who are beaten because their husband's dinners are not ready in time, or their suppers not cooked to the tyrants' taste. Even the inveterate nagger has lucid intervals in which she appreciates the might of brute force and the expediency of living on amicable terms with the money-getter.

The wheedling wife—the born and bred diplomatist—is more to be dreaded by him who aspires to rule despotically in his small world than the rarer specimen of a class our forefathers essayed to abolish by the discipline of the branks and the ducking-stool.

MARION HARLAND.

MUST WE HAVE THE CAT-O'-NINE TAILS ?

BY ELBRIDGE T. GERRY.

PENOLOGISTS agree that the ounce of prevention is worth the pound of cure, in the repression of crime. The object of punishment is not simply to mete out, to the offender against the laws which society enacts for its own protection, a retributive compensation for the injury which he has inflicted; nor is it intended solely to accomplish the individual reformation of the offender, with a view to his future life in the community. Its first and principal object is to discourage the repetition of the offence, either by the offender or, as the old lawbooks have it, by other evilly minded persons in like manner offending.

Crime is necessarily divided into various grades so far as the adjustment of punishment is concerned. Thus, for instance, the wilful and unjustifiable taking of human life involves capital punishment of the offender, and crimes of violence of every description result in terms of imprisonment the length of which is supposed to correspond in some degree with the gravity of the offence. It is obvious that if trivial punishments are inflicted for serious offences, crime will multiply, because their commission involves unimportant consequences to the offender. Hence in order to create a deterrent effect, there must be some degree of severity in the sentence to produce an impression not simply on the criminal, but on his like. Society owes this as a duty to itself. Self-preservation is proverbially the first law of nature, and the law which inflicts an inadequate punishment for a crime simply encourages its commission. These are elementary principles with which every student of the penal law is entirely familiar. They are recited here merely as a prelude to the consideration of the present subject.

For years past there has been a steady influx of foreigners

into the United States, and especially into the State of New York, composed in chief of the offscourings of the criminal classes in Europe. They seek an asylum in this country not simply for evading the pursuit of justice, but in order to reenact here the crimes with which they are familiar in their own land, and from punishment for which they have escaped. All they need is the opportunity to again perpetrate the offences which caused their exile from their home. The majority of these crimes consist not merely in the wrongful appropriation of property through the violent methods known to criminals, but in acts against the persons of unoffending individuals who are either personally the subjects of the crime or present an obstacle to its commission. Familiar cases are those of highway robbery, where the peaceful citizen, proceeding along the street or road, is felled to the ground, sustains great personal injuries, and is, perhaps, stretched on a bed of sickness for months as the result of opposition to the efforts of the criminal to deprive him of his property. So again, when the burglar breaks into the house of the citizen who is asleep in the peace of God and of the Commonwealth, and shoots him merely because he ventures to move on being awakened by the intruder, the citizen is perhaps maimed for life, or may even lose his life. So again, an altercation may be followed either by a stab of a knife or a slash from a razor, the crushing of the skull by a "billy," or other serious physical injury, from which the unfortunate victim never recovers. He experiences hours, days, perhaps months, of pain and suffering as the result of his encounter with the criminal. The latter, upon conviction, is punished by the law. Let us see how.

In the first place, society in dealing with the convicted criminal, is apt to look only to his reformation. He is carefully and comfortably housed and fed, deprived of alcoholic stimulants, which perhaps have been the cause of his crime, furnished with a certain amount of gentle exercise in order to prevent his physical system from becoming in any sense impaired, treated with every consideration which may tend to his moral improvement, and too often pardoned before the expiration of his term, either through personal or political influence, or as a matter of expediency on the part of the State. Nay, more than this, he holds in his own hands under our statutes, to a certain extent, the pardoning power, upon which principle he may commute his own imprisonment by

good behavior, which commutation consists in a deduction of two months from every year after the first year from the term of his sentence. Thus, on a five years' sentence in this State his term becomes four years and four months; ten years results in eight years and six months; fifteen years becomes twelve years and eight months; and a twenty years' sentence, the longest term short of life for which he may be imprisoned, is reducible to sixteen years and ten months. While imprisonment in state prison is punishment to an educated man, it is no punishment at all to the average criminal of the lower grade. He leads a purely animal existence; he has no fine feelings to be injured, no sensibilities to be crushed; and so long as he can eat, sleep, and work moderately he is satisfied with his condition. Nay, more, he has even been known to commit crime anew on the expiration of his term, in order to secure an immediate return to what he views as his normal existence. As to his imprisonment possessing any terrors, or operating as a deterrent, it does nothing of the kind.

While it is true that it is the object of society to reform the criminal, it is not the policy of the State to encourage imprisonment, because, as a matter of political economy, that involves expense to the State. Every fresh convict imprisoned costs something to maintain and keep, and the State which could entirely obviate the necessity of a state prison would reap an enormous accession to its coffers by avoiding a correspondingly large outlay and expense. It is a question worth considering, then, not simply as a deterrent of crime, but as a question of political economy, whether, in addition to imprisonment, some other means may not be judiciously resorted to which would tend, at all events, to lessen and diminish the commission of crime even if it were ineffectual to absolutely suppress it.

Centuries ago the Mosaic Law inflicted the penalty of forty stripes save one for the punishment of offenders. That system has been followed throughout Europe, among the various civilized nations as well as the barbaric. Corporal punishment is today the principal method of enforcing obedience to the rules and regulations of the prisons in which convicts are confined. It possesses the advantage, when properly inflicted under medical supervision, of not injuring the health of the criminal to whom it is applied, nor of interfering with his personal avocations. At the same time, the infliction of physical pain is something which the

lower class of criminals instinctively dread, from which they shrink, and which they will willingly avoid if they can. It is an argument which they can appreciate, no matter how illiterate they are, or how debased by crime, or how besotted by indulgence in liquor. It is conceded to be effectual when applied, and the result in that respect is best shown in one State, that of Delaware, where for years it has been resorted to for the punishment of minor offences. At the present time it is proposed to consider the subject as a deterrent in cases of felony.

There are crimes which Lord Coke says are not so much as to be named among Christians. They involve the application of brute force upon helpless, immature, innocent childhood, in some cases, incredible as it may appear, induced by a belief that the commission of the offence will rid the criminal of the results of vice with which he is infected. The result sometimes takes the form of permanent lacerations, from which the child may never recover; often inoculation with ineradicable disease, which poisons its physical existence forever; and too frequently the destruction and obliteration of moral sense in the victim, from the horrible character of the offence. In some cases the result to the innocent little child is death itself. The longest imprisonment prescribed by law for such offences is twenty years, which, as shown, the criminal may reduce to sixteen years and ten months. These crimes to-day are frightfully upon the increase in the city of New York and in the State of New York, as shown by the records of the New York Society for the Prevention of Cruelty to Children, where specific cases, with the facts, are carefully preserved and can be produced to verify this startling statement at any time it may be so desired. Thus, for example, the number of these crimes, which are comprehended under the classified heads of rape, sodomy, and incest, from such records alone, in 1893 in the city of New York was 45, and in 1894, 53; and in 1895, if the average of the first month continues, 72 cases. Something must be done to stop this. What can be done? Imprisonment evidently is of no use. The only remedy which can be successful is that which has been tried elsewhere, in cases where the character of the offence indicates that it consists in or is accompanied by brutal violence, and that the offender is one who can only be reached through physical pain applied personally to himself.

The suggestion is not theoretical. Not long since, in England, garroting, which was highway robbery accompanied with personal violence and frequently strangulation, was checked only by the use of the lash. An able article on this subject, by Sir Edward Thornton (NORTH AMERICAN REVIEW, January, 1882, page 7), is fully supported by Wharton & Stillé (*Medical Jurisprudence*, Vol. I., § 539, p. 438, note 1), that "it is a noteworthy fact that since garroters have been sentenced to floggings, the offence has almost disappeared from the criminal records of England." So, again, assaults on the persons of the Royal family, which at one time were quite common in England, have been almost totally suppressed by the application of flogging. The subject was discussed by the American Bar Association in 1886, and again in 1887, without definite action. Under the provisions of the English Statute (26-27 Vict., c. 44), as shown in a recent article in the *Law Times*,

"The number of persons who have suffered corporal punishment under these provisions is certainly less than might be expected. In more than eighteen years only 302 adult offenders have been flogged even once, and in four cases alone has the punishment been repeated. No case is to be found in the records of the Home Office where it has been administered a third time."

Now what are the objections to its revival in the horrible cases referred to? First of all, it is said that the infliction of corporal punishment is always degrading and barbarous and leads to grave abuses. This proceeds upon the theory that the whole object of punishment is the reformation of the offender. Nothing is more calculated to awaken in the criminal a sense of appreciation of the enormity of the offence than a direct argument applied to his person.

Then, again, it is said that the punishment is a relic of barbarism and does not commend itself to the approval of enlightened people. It is difficult to see where the barbarism comes in. The application of corporal punishment is recognized in every household in the land, as a speedy and effective method of reducing an unruly child to submission; and while in very many cases it should be the last argument resorted to, it certainly has the advantage of producing an immediate compliance with law and order. If permissible in cases of children, why should it not be applicable to adults?

Lastly, it is said that it is a halting attempt to grapple with

a great evil which obviously needs stronger remedies. Until tried and found ineffectual, the objection is futile. If applied to stop the crimes in question, should it fail to be effectual, the result would simply show that the perpetrators of such crimes are utterly beyond any dread of anything. But the average criminal is more afraid of the lash than he is of a long term of imprisonment; and if the former be properly applied, not as a substitute for, but as ancillary to, the latter, the cases cited and the experience of those in charge of prisons point to the result with unquestioned clearness.

And there are precedents in this country for the infliction of corporal punishment. The present proposed legislation, which has the sanction of all the humane societies in the State of New York, and was prepared by their Committee on Legislation pursuant to their instructions, reads as follows:

Whenever a male person shall be convicted of a felony consisting in or accompanied by the infliction of physical pain or suffering upon the person of another, the court wherein such conviction is had, may in its discretion, in addition to the punishment now prescribed by law for such felony, direct the infliction of corporal punishment upon such convict. The sentence shall specify the number of strokes or lashes, which shall not exceed forty in number, to be laid upon the bare back of the convict within a time specified, by means of a whip or lash of suitable proportions and strength for the purpose. Such corporal punishment shall be inflicted by a keeper or other officer of the prison to be designated by the warden, within the prison enclosure and in the presence of said warden and of a duly licensed physician or surgeon, but in the presence of no other person; and the warden and physician or surgeon within thirty days thereafter shall certify in writing the fact of the infliction to the court imposing the sentence.

It will be noted that this proposed act leaves it in the discretion of the court when it is to be ordered; specifies the mode of infliction to preclude evasion of the sentence; guards against any undue violence in the application, by the presence of proper medical supervision; avoids publicity in the execution of the sentence, so that "no degradation" can be caused to the criminal, nor feelings of sympathy can be roused by the presence of a curious or sentimental audience; and, lastly, limits the case to male offenders where personal pain is the origin or sequence of the crime committed. In other States in the Union similar laws exist to the like effect for minor crimes. Maryland and Delaware utilize this mode of punishment in cases of wife-beating and offences against the person. The punishment itself has been held by the Supreme Court of the former State to be neither cruel nor un-

usual within the constitutional prohibition (*Foote v. The State*, 59 Maryland R., 264). In Indiana, Connecticut, and Georgia it is permissible to enforce prison regulations. But the great plea for its necessity at the present time is the feasible and probable prevention of those nameless crimes referred to, and which, unless checked, will result in the wreck and ruin of helpless childhood in this State to an extent undreamed of either by the Press or by the intelligent Public.

ELBRIDGE T. GERRY.

THE TRUTH ABOUT PORT ARTHUR.

BY FREDERIC VILLIERS.

As special artist for *Black and White* and correspondent of the *London Standard* with the Japanese forces in the field during the march on and the taking of Port Arthur, I feel it necessary, as so much has been published in certain journals, both in England and America, to discredit the reports sent home from the correspondents at the front, to tell the plain truth about the Port Arthur massacre. The truth is not always a pleasant thing to tell, especially when it reflects on the conduct of those with whom one has lived in amity and from whom one has received much hospitality.

The American and English correspondents, sharing the vicissitudes of Field Marshal Count Oyama's army corps on the Li-antung peninsula, have testified to the humane conduct of the Mikado's forces towards all non-belligerents on their march to Port Arthur. Proclamations were posted on the walls of the officials' houses in all the villages inviting people to remain, assuring them safety and good treatment at the hands of the soldiers and camp followers. Though rather shy at first, the people, finding that these assurances were in good faith, returned to their homes in a few days, and so well were they treated that I have heard repeatedly from the mouths of Chinamen that "the soldiers of the Mikado were sent from heaven," so much astonished were they at the treatment they received from the Japanese in comparison to the conduct of their own troops, who looted, ravaged, and murdered wherever they went.

In the face of their previous good behavior, I think, as a sincere friend of Japan, that the truth should be known about Port Arthur. She would not suffer half as much in the eyes of her European friends if she were to admit frankly the excesses of

her troops and acknowledge her little outburst of barbarism, punish the officers who did not seek to control the men, and shoot a few of the men who were most prominent in the butchery. But no. The Japanese are yet young in the ways of civilization and on occasion can be exceedingly cruel ; but, like most young children, they are very sensitive on being found out, and will tell the most deliberate and unblushing falsehoods to shield themselves.

Take the Kow-Sing tragedy, for instance, and the blood letting at Asan. In the Port Arthur affair their behavior has been exceedingly childlike. They have absolutely denied that any butchery took place after the first day's shooting, in spite of statements to the contrary made by three military *attachés* who were there with the army for the express purpose of reporting the acts of the troops to their respective Governments. The Japanese, by means of their well organized press system and the unfortunate jealousy existing between rival papers in Europe and America, may be able to throw discredit on the reports of the war correspondents, but they surely cannot, for a moment, expect the public to doubt men like Lieutenant O'Brien, of the United States Infantry, Captain Du Boulay, and Colonel Taylor, of England. Though these gentlemen and the correspondents were eye witnesses, the Japanese, in naughty childlike simplicity, calmly say to their European friends : It is not true, but an entire fabrication. If Japan forgets herself, and does that which is beneath her dignity, her true friends should point it out. The Japanese are a fine people, thrifty, frugal, patriotic, and capable of much suffering for the sake of fatherland. Japan is a nation rapidly coming to the front. She has but now startled the world with her wonderful military organization. She is veritably the modern "Light of Asia," whether bearing the flaming torch of war or burning, as a peaceful student, the midnight oil.

The Port Arthur outburst was a childish frenzy and love of killing. There was no apparent reason for the three days' slaughter. There had been easy victories everywhere, small casualties and no opposition in the town. The great 16-fort stronghold of China had fallen after a few hours' struggle. There was some provocation for the first day's work, for when the men of the Second Regiment were ordered, by the direct command of Field Marshal Oyama, to occupy the town, they saw, on

passing over the first bridge, the mutilated heads of their comrades who had been captured in a skirmish with the enemy on November 18. Two or three were hanging by a string passed through their lips to a sapling by the roadside. Further on, attached to the eaves of a house, two more were strung together. The soldiers, presumably maddened by the ghastly sight, lost touch with their officers and commenced shooting every living thing they met in the streets. Captain Du Boulay, Colonel Taylor and Lieutenant O'Brien, with three correspondents, watched this firing from a height overlooking the town, from which every street and alley lay as in a map before them. These gentlemen saw no opposition to the troops, nor were there any shots fired from the houses on Oyama's soldiers. The French military *attaché* with the two French correspondents were with the Field Marshal some distance in the rear.

The unfortunate shopkeepers and citizens, standing at their doors, by virtue of Oyama's pacific proclamations, ready to receive the soldiers with expressions of welcome, were ruthlessly shot down on their very thresholds. On chatting with Col. Taylor, an old Indian campaigner, over the sad affair, we came to the conclusion that it must have been difficult, under the circumstances of the mutilated heads, to keep even the best of disciplined troops from showing temper. What occurred during the three days subsequent to the entry of the town troubled even the minds of the Headquarters Staff. On the third evening of the butchery, Mr. Ariga, a gentleman attached to the Field Marshal as an adviser on international law, and an excellent English scholar, called on the war correspondents at the Yamen, in Port Arthur. We were smoking round a charcoal brasier in the middle of the room. When Mr. Ariga was seated, he turned to me and said: "Mr. Villiers, please speak without any hesitation. Would you call the trouble of the last three days a massacre?" It was a startling question coming from a Japanese official. I looked at my colleagues, Messrs. Creelman, Cowen and Hart, who were also much astonished at the question, and then I answered: "Well, Mr. Ariga, that expression was one that might not quite apply to the case." I told him that the first day's provocation was almost an excuse for the conduct of the troops, but that the last two days' work might carry another term. Luckily, Mr. Ariga did not ask me what that might be, but I had contemplated, and

eventually called it a cold-blooded butchery. It was a cold-blooded butchery.

When Suliman Pasha retired from the Shipka, after weeks of hard fighting, and passed with his fanatical troops through the Bulgarian towns of Eski and Yeni Zagra, every living soul had been slaughtered. I was in these towns shortly after the retreat. The heads of young girls, with gay ribbons still braided in their hair, were the sport of the hungry dogs in the streets. The wells were filled to overflowing with the ghastly victims of the ruthless soldiery. Yet the Turks who committed these deeds, fiends, if you like, were mad with a crushing defeat, and with the knowledge that the Bulgarians, men, women and children, were hand and glove with their enemy, the Russians. But at Port Arthur the citizens, in virtue of Oyama's proclamation, were looking forward to the occupation of the town with equanimity. Shop-keepers were killed in the act of kow-towing. Their stiffened bodies still stooped in death. The smile of welcome yet lingered on their pallid faces. Mr. Hart, of Reuter's Agency, who was captured when the town was taken, was instrumental in allaying the fears of many of the inhabitants, and persuading them to remain in the city, for he had heard of the merciful treatment of unarmed people by the Japanese. But the cutting and carving craze had seized the troops and no mercy was shown. Not only the soldiers, but the armed coolies took a share in the bloody work. These gentlemen were all of the famous Samuri sect and practically the Bashi Bazouks of the army. The order of the Mikado that the Samuri, or two-handed sword men, were not to serve in the army for fear of excesses had been evaded by these gentlemen enlisting as coolies. With every baggage train one met Samuri dressed in the humble garb of the coolie, but with their long katangs slung across their shoulders, carefully swathed in rags to protect the lacquer scabbard and to keep the precious blade free from dust and rust, pretending to assist their lower grade brethren in pushing a cart along. If these gentlemen could not, for the moment, whet their well-tempered steel in the blood of a Chinaman, they would try their ancient blades on the pigs or dogs of the country. It was a piteous sight, in passing through the Manchu villages, to see a number of badly wounded pigs, some with their heads nearly severed, but still with sufficient life within them to

drag themselves along. Any Chinamen seen in the town seemed to be fair game for soldier or coolie.

On the afternoon of the third day I was walking down a deserted street, remarkably free of dead bodies—there were not more than a dozen in patches of twos and threes, here and there—when I came across three soldiers much the worse for saki, the alcoholic drink of Japan. They had just broken a panel of a shop, and had shot the cowering wretch within. The poor creature had probably been hiding, in fear and trembling, for days. The soldiers were reloading their rifles, and before I came to them had broken in the shutter of another store. Through the aperture I saw a Chinese woman at the far end of the shop with her arms outstretched over her two children for protection. Kneeling in front of the soldiers was an old Chinaman, trembling from head to foot, kow-towing. He had heard the death shot, the groan, and the heavy fall of his neighbor, and thought his own time had come. What could I do to prevent this intended murder? A happy thought struck me. I patted one of the soldiers on his back, smiled into his face, said one or two words in Japanese complimentary to the army, and motioned to my mouth and water-bottle, suggesting that he had had a good time. In a moment all three were interested in my actions. They tried to read the insignia I wore on my arm stating my profession. Like children, their attention had been diverted by a new toy; they forgot the shooting for the moment, and eventually I drew them away, laughing and chatting, up the street. As they turned the corner I left them. At all events, the Chinaman and his family were respited till another firing party came along. On the afternoon of the next day I returned to the street. The scene had changed. All the shops were open and billeted with troops. As I passed the store at which this incident had taken place on the previous day, I found the old Chinaman still alive, and waiting on the men. When he caught sight of me his gratitude knew no bounds, he knelt and grovelled, and clutched my legs till I was compelled to shake the old fellow into a standing posture. As I was doing this a soldier stepped from the shop munching a ball of hot rice. On seeing the Chinaman, he broke his ration in two and thrust the other half into the old man's fist. Here was a touch of real good nature worthy of record. A few minutes afterwards I would be

in another street, where a soldier would be carving at a dead body to see if the Celestial possessed a heart or not.

At half-past eight on the morning of the third day Creelman, who had just turned the corner of the house in which we lived, came back and asked me to follow him. On a sand heap not a hundred yards from our door was a poor little baby about two months old. She had just fallen from the arms of her father, who, in trying to escape from the ruthless soldiery, had been wounded in his flight. A few yards off was his body, with a bayonet wound in his neck. His warm blood was still smoking in the frosty air. The band of soldierfiends had now passed on, and were busy shooting old men who were kneeling with their hands behind their backs in front of the Japanese rifles. Several had already bitten the dust. So the bloody drama went on for three whole days after the occupation of Port Arthur, till about thirty-six Chinamen were the only Celestials remaining in the city. These were used in burying their dead comrades and as water-carriers for the troops. Their lives were protected by a slip of white paper stuck in their caps bearing the following inscription in Japanese characters: "This man is not to be killed."

FREDERIC VILLIERS.

WHAT PSYCHICAL RESEARCH HAS ACCOMPLISHED.

BY FRANK PODMORE, SECRETARY OF THE BRITISH SOCIETY FOR
PSYCHICAL RESEARCH.

FOR centuries America has given unstinted welcome to all comers. and if her oft-abused hospitality is now extended only to the immigrant who can show his credentials, we citizens of States too old and too prudent to be so open-handed have surely no cause to complain. Seeing that with us newcomers in the world of thought plead their cause with a rope round their neck, it is matter for thankfulness that America is still willing to hear the cause first, and adjust the rope afterwards. Certainly the Society for Psychical Research can have no quarrel with Professor Minot because he has chosen to exercise his right of scrutiny in the case of that latest claimant of transatlantic hospitality—the hypothesis of thought-transference. Indeed, he has set about his self-imposed task in no ungracious spirit, it would seem. He allows us conscience, honor, honesty, and things of that description. Not all of our European critics have been willing to concede so much. He admits that the society has done good service in exposing Madame Blavatsky and the pretensions of the Theosophists, though the admission is made apparently with due sense of the difference in quality between such amateur work and a really scientific investigation. He even notes with approval the work of the society in demonstrating the fallacies and frauds of spiritualism, though he alludes only to Mr. S. J. Davey, and apparently is not aware of the work done by other members in this connection. And he has the air of being himself the discoverer of Mr. Davey, and rather quaintly insists upon drawing the attention of the Society to the lessons to be deduced from Mr. Davey's experiments—lessons which Mr. R. Hodgson, Mrs. Henry Sidgwick and others have been sedulously enforcing for some

years past. But it is at all events gratifying to find that in combating the errors, not of Theosophy only, but also of Psychical Research, our critic is compelled to choose weapons from our armory.

Then, again, Professor Minot's attitude to the whole subject is, in the abstract, irreproachable. Here in England we have been accustomed to meet sometimes with blank indifference, sometimes with active hostility. We have been told *ad nauseam*, by men who have not given half an hour to the consideration of the evidence, that thought-transference is impossible; a compound of fraud and self-deception; a relic of Old World superstition. Professor Minot confesses that "if the views advanced were correct, their importance could not be overestimated." He has himself, he assures us, "devoted much time to these problems," and still does not regret the time so spent. And, finally, he takes occasion to point out that to the really scientific man nothing is common or unclean. "Of the qualities which those who investigate nature must possess, almost the first is humility, . . . utter self-renunciation when in the presence of a fact."

But, leaving the abstract, let us examine his application of these large utterances to the particular case before us. This, for the moment, is the thing which Professor Minot has set himself with all humility to study: the history of the English Society for Psychical Research and the evidence for telepathy presented in its published works.

Passing over a not entirely accurate account of the origin of the society, I come to a historical statement which appears to me to involve a radical misconception of the facts. After mentioning that numerous experiments had been conducted with the children of a clergyman called Creery, in which the committee of the Society for Psychical Research claimed to have "successfully excluded deception," Mr. Minot writes: "It has since turned out that the children did have a system of signalling, which, though very simple and of a kind likely to be noticed, none of the committee did notice, so that they were not expert enough to exclude deception."

Upon this I have to remark: (1) that the signalling was detected and exposed by the committee themselves,—surely a material fact, since it proves that on this occasion, at all events, they were expert enough to exclude deception; (2) that while

there is no evidence that signalling had been generally employed in any previous series of experiments, it is certain that, in the experiments on which reliance was placed, a code would have been useless, as the object to be guessed was known to the committee alone. This was expressly pointed out in the account of the exposure given in *Proceedings S. P. R.* (Vol. V., pp. 269-270). Special attention had also been called to the point in the account of the experiments, *published before the exposure*, in *Phantasms of the Living* (Vol. I., p. 22 *et seq.*). We find then in the statement quoted : (1) *suppressio veri*, (2) *suggestio falsi*. Now this is just the kind of misrepresentation which we should look for in a smart journalist, anxious to make out an effective case ; and, indeed, I cannot help suggesting that it is from such sources that Professor Minot possibly derived his information. A scientific student, desirous only of ascertaining the truth, may perhaps be forgiven for not realizing that persons of inferior morality—literary men and so forth—are apt to represent facts in accordance with their wishes or preconceptions. But Professor Minot can hardly be acquitted, at any rate, of some degree of negligence in not going to authoritative sources for his information.

Fortunately the proof of thought-transference is independent of the Creery experiments : and it is to be regretted that Mr. Minot's study of the subject ceased apparently five or six years ago, and that he almost wholly ignores the great mass of evidence accumulated since 1888. Moreover, his examination even of the evidence prior to that date appears to have been strangely superficial ; for in the next paragraph but one he proceeds to point out that there is a considerable probability, if one party to an experiment is told to think of a card and the other to guess the card thought of, that they will, through following an unconscious order of preference, both fix upon the same card. In this Mr. Minot is no doubt right. But he goes on to say :

“ All the English experiments of the kind fail to fulfil the conditions of scientific investigation. It was a great mistake to assume that with playing cards the chances of coincidence are 1 in 52. They are more nearly 1 in 5 or 10, but they have not been actually calculated.”

Here again I am compelled to assume that Professor Minot has had access only to imperfect sources of information, some garbled newspaper extracts, perhaps, from our *Proceedings*. Had he read

the *Proceedings* himself he must, I think, have seen that even in our earliest experiments the card was, as a rule, drawn at random from the pack, and that his criticism does not, therefore, apply. In looking through the first volume of our *Proceedings* I find on page after page such phrases as, "The card was drawn at random from a full pack," or, "Selected by cutting the pack," or, "Taken from a full pack of playing-cards." Not only is this usually stated in the detailed account of each individual series of experiments, but, in the general account of the conditions observed, which prefaced the more detailed descriptions of the committee's own experiments, it is expressly stated that this elementary precaution was taken (Proc. S. P. R., Vol. I., p. 20); and further, in order to avoid all possible misconception on so important a point, in the tabular summary of 260 trials with cards, performed under test conditions, given in the first volume of our *Proceedings* (p. 170), the reader is once more reminded in a footnote that "A full pack of cards was invariably used, from which a card was drawn at random." Finally, the precaution is enforced in our circular instructions to members (S. P. R., Vol. I., p. 297), and is referred to, I imagine, in every article or document published by us treating of experiments with cards or numbers.

In the next paragraph occurs a statement which compels us to ask whether the laws of arithmetic are indeed of universal validity, or whether Professor Minot's humility and self-renunciation have had their reward in the discovery of a new calculus. For in commenting on some experiments conducted by Mrs. Henry Sidgwick in which the number to be thought of was selected by drawing it from a bag, Mr. Minot argues as follows:

"If thought-transference is a reality, then the numbers thought of by the percipient must *not* follow the percipient's mental habit. To make a rigorous demonstration, the percipient's mental number habit should be first determined; then the agent should be given the numbers somewhat in excess, which the percipient is not likely to think of readily, and if then these numbers were reproduced by the percipient, it would indicate that there was some other factor at work than the usual mental habit."

In other words, Professor Minot believes that a "number-habit" will enable its possessor to exceed the average of correct guesses in a fortuitous series of numbers. I seem to have heard something like this theory before, but not from a professor of natural science. Those who frequent the gaming-tables, I understand, have generally a "lucky number," and card-players frequently exhibit an

unconscious preference for a particular suit. Now, to adopt a suggestion of Kant's, is Mr. Minot prepared to back his "number-habit"? Will he go to Monte Carlo, and "put his pile" on it? But I cannot seriously counsel such a course. The experiment has been tried before.

Indications of the new calculus appear again lower down:

"The English committee have sought to strengthen their case by calculating the probabilities of a given result, which they make out one in a million or trillion or more of chances. They forget that when we say a thing is improbable—meaning there is only one chance out of a large number of its occurring—we really assert that it is *certain to occur some time*."

It is easier for persons not conversant with the higher mathematics to argue upon a concrete instance. In Vol. VI. of the Proceedings S. P. R., it is recorded, as stated below, that in 644 trials with numbers of two digits the number was named correctly 117 times. Does Mr. Minot mean to say that this series of successes was certain to occur *by chance* some time or other? And that many other similar series were also certain to occur at about the same time and to the same individuals? For this is what has happened; and if his argument does not mean that, what does it mean? and what bearing has it on the facts? and, in any case, is it according to Cocker? At the end of the same paragraph occurs another statement which calls for examination. "This is not the place," writes Professor Minot, "for a lesson in mathematics, therefore it must suffice merely to allude to the fallacy of Mr. Gurney's estimate of the probabilities of thought-transference." It should be remarked, in passing, that such a lesson would have been offered not to Mr. Gurney alone, but to Professor Oliver Lodge and Mr. F. Y. Edgeworth, both of whom concur in the estimate referred to, as may be seen from their articles in the Proceedings of the S. P. R. (II., p. 257; III., p. 190; IV., p. 189. See also *Phantasms of the Living*, Vol. I., p. 26, and the quotation from Mr. Edgeworth there given, in which the odds against chance, as an explanation of a given result, are estimated in quadrillions.) These articles appear not to have come under Mr. Minot's notice; and it is perhaps again owing to some defect in the sources of his information that he speaks of Mr. Gurney's "estimate of the probabilities of thought-transference." So far as I can remember, Mr. Gurney never made such an estimate, and certainly never expressed it in figures as a million to one! Had he done

so, the offer of a lesson in mathematics would perhaps not have been inopportune. What he did do was to show that the probabilities against certain results being attributed to chance alone were to be expressed as millions or trillions to one. That is, he practically eliminated one possible cause, and left the results to be explained by one or more other possible causes, such as fraud, malobservation, misrepresentation, telepathy, and so on. This is shown very clearly in the quotations referred to from Mr. Edgeworth included in *Phantasms of the Living*, and in the following extract from one of Mr. Edgeworth's articles in the *Proceedings*:

"Such is the evidence which the calculus of probabilities affords as to the existence of an agency other than mere chance. The calculus is silent as to the nature of that agency, whether it is more likely to be vulgar illusion or extraordinary law. That is a question to be decided, not by formulæ and figures, but by philosophy and common-sense." (Proc. S. P. R., III., p. 199.)

It is to be regretted that some unfortunate chance should have robbed the Society for Psychical Research of Professor Minot's criticism on their experimental work in thought-transference. For I cannot but feel that, animated as he is by such unexceptionable sentiments, if he had afforded himself the opportunity of studying our results in an authentic form, he would have found in the work done by members of the Society in investigating telepathy the same ability and the same conscientiousness which he generously recognizes in our investigations into the fraudulent phenomena of Spiritualism and Theosophy. The investigators were the same, the methods pursued were the same, and the object was in each case the discovery of truth. Mr. Minot's unfortunate experiences are to be regretted for another reason. His energies have been so unhappily diverted to the demonstration of faults which do not exist that he has never touched at all upon the weakest spot in our experimental evidence. For whilst no fully informed critic would assert that the experiments on which we rely as establishing thought-transference are due to either chance or fraud, such as one could plausibly maintain that at least a great part of them may be explained as the result of information unconsciously conveyed by normal channels from agent to percipient, and no candid investigator would meet such a criticism with a direct negative. This indeed is the *cruz* of the whole inquiry. Chance can be eliminated by a simple calculation, and fraud can be effectually

guarded against if due precautions are observed. But the unconscious operations of our organisms have been so little investigated, and are still so little understood, that a wide margin must be allowed for possible error from this cause. Perhaps an illustration will make this clearer. In the summer and autumn of 1889, Mrs. Henry Sidgwick, with the assistance of Professor Sidgwick and Mr. G. A. Smith, conducted a long and careful series of experiments in thought-transference with hypnotized subjects. The conditions were as follows: In a bag were placed eighty-one small wooden counters having the numbers from 10 to 90 stamped upon them in raised letters. From this bag Professor Sidgwick or Mr. Smith drew a counter, which was placed in a little wooden box, the edges of which effectually concealed the counter from the view of the percipient—who was, moreover, placed with his back towards the experimenters, and was in the hypnotic trance with his eyes closed. Mr. G. A. Smith then looked at the number on the counter, and the percipient would make a guess at it. The guesses and *all the remarks made* were recorded at the time by Mrs. Sidgwick, who was, during the greater part of the series, in ignorance of the number drawn. There was, of course, no contact between agent and percipient. The following is a verbatim account of a series of trials made on July 6, 1889, the percipient being a youth named T—. Mr. Smith is indicated in the record by the letter S.:

T.'s eyes were apparently closed, and he kept his head very still, and we ascertained by experiment that he would have had to move it several feet to see the number. The impression sometimes came to him quickly, and sometimes slowly—as the remarks recorded show. He was only told that he was to see numbers of two figures.

Number Drawn.	Number Guessed and Remarks.
61 .. T.: "26."	
84 T.: "A 3 and a 2, I believe—32."	
47 . . T.: "Is it 0?—02; it can't be that?"	
32 T.: "Looks like 1—can't see the first figure—I think it's a 6—61."	
80 T.: "11, isn't it? two ones." S.: "Have a good look." T.: "11."	
21 T.: "Seems like 2: 25, is it?"	
18 T.: "I believe it is 1 and 0."	
50 T.: "Can't see anything." S.: "You'll see it in a minute." T.: "There's a 6, and, I believe, a 2—26, I think."	

- 59 T.: "No" (meaning that he saw nothing). S.: "You'll see it in a minute." T.: "No, can't see it . . . Believe it is 14."
- 37 T.: "I see a 3; there are three of them—147."
- 61 T.: "That's 61, I think."
- 33 T.: "No, I can't see—can't see that." S.: "Wait a minute. (Pause.) "Do you see them now?" T.: "No, I can't." (A long pause.) T.: "A funny thing that is—a mixture, 5, 8—looks like a 3 or an 8—3, I think."
- 40 T.: "4, 0, I think."
- 21 T.: "Is it 2?" S.: "Well?" T.: "2, 3, I think." S.: "Sure about the 3?" T.: "Yes." (After a pause, the number having been meanwhile put back in the bag.) "Oh, yes," as if he got surer and surer.
- 47 T.: "Is it a 5? 5 and 8."
- 60 T.: "6, that's all." S.: "Are you sure there's nothing more?" T.: Oh, yes, 61."
- 74 T.: "Is it a 4?" "There's a 4 and a 7. No, it's not. Oh, dear, no, it's 5, I think—54."
- 22 T.: "It's 20." (Pause, obviously trying after the second digit.) "22."
- 38 T.: "It's 5 and . . . 35."
- 45 T.: "I see nothing at all." (Pause.) "No, I can't see it. What makes it so long in coming? Now I can see it. It's a 4 and 5."
- 59 T.: "What makes them so long coming? I see something like a 2. It's a 2. Oh, it's a 9; I think 29." S.: "Are you sure about the first one?" T.: "Yes; 29."
- 66 T.: "Oh, yes; it's *two sixes*."
- 21 T.: "Oh, it's a 1 and a 2, 21. Ain't there a lot of them!"
- 83 T.: "Is it a 3?" S.: "Well, what else?" T.: "Nothing else."
- 80 T.: "It's 80." S.: "That's right."
- 73 T.: "— Such a lot of numbers as this!"
(T. spoke very low and drowsily, and Mrs. Sidgwick failed to catch the beginning of this sentence.) S.: "Yes, when we're looking for them." (Pause.) S.: "What are you looking at?" T.: "Nothing." S.: "I thought you said you saw a lot of figures?" T.: "A 3 to the right. I believe there's an 8." S.: "Are you sure?" T.: "Yes; 693." (S. said there were only two figures.) S.: "You must have seen the 6 twice over, once reversed as 9." (Possibly the idea of three figures was due to Mr. Smith's remark about a lot of figures.)
- 83 "85,"
- 21 "24,"
- Not noted. T.: "3, I think—83." S.: "Sure?" T.: "Oh, no, it's reversed
According to our recollection
our recollection
towards the
guess was
partly right.
38."

Possibly the idea of its being reversed may have arisen from Mr. Smith's remark above about 6 being seen reversed as 9—a remark which had puzzled T. at the time. We asked T. how the numbers looked when he saw them. He said "They're a kind of white—grayish white." He had not seen the numbers used in his waking state.*

33 T.: "A 6 and a 4." (After a pause.) "95."

78 T.: "38." S.: "Sure?" T.: "Yes."†

It will be seen that, leaving out of account the instances in which one or other digit was named correctly, the subject named the whole number correctly 7 times out of 31 trials—the most probable number of correct guesses being 1 in 81. In the whole series of these experiments 644 trials were made, the number being correctly named (*i. e.*, with both digits in their proper order) 117 times, and with digits reversed 14 times.

It is clear that chance cannot explain these results. It is almost equally clear that they cannot be attributed to fraud, unless, indeed, we suppose that not one, but all the experimenters, were in collusion. There still remains the possibility that the information was given unconsciously, and, probably, received unconsciously. Apparently, under the conditions described, the only normal channel of communication would be by the ear. It may be suggested, for instance, that Mr. Smith muttered the word audibly to the percipient. This hypothesis must, indeed, be regarded as extremely improbable, for various reasons: (1) Mr. Smith himself and the other experimenters were fully aware of this danger and on their guard against it. (2) No movements of Mr. Smith's lips were observed by the two trained and vigilant witnesses. (3) An analysis of the failures does not show that there was any tendency to mistake one number for another similar in sound.

Nevertheless it may be admitted, especially in view of the possible hyperæsthesia of hypnotized subjects, that if these experiments stood alone the hypothesis that the information was actually conveyed by auditory means might be preferable to the hypothesis of a new mode of communication. But they do not stand alone. They are but one of many groups of experiments conducted by different observers and under varying conditions, and no one hypothesis will cover them all. Mrs. Henry Sidgwick again, assisted by Mr. Smith, Miss Alice Johnson and others, conducted a further

* As a matter of fact, the numbers were stamped in red on a plain wood surface.

† Proc. S. P. R. Vol. VI., pp. 132-134.

series of experiments in which the agent and percipient were in different rooms. In some of these experiments the agent and percipient were on different storeys of the house, separated by a wooden floor covered with a thick Axminster carpet. In others the percipient was in a room with the door closed and the agent, Mr. Smith, was outside in the passage, the distance between them varying from 10 to 15 feet and upwards. Both agent and percipient were under close observation throughout the trials; and it seems incredible that any sounds which escaped the notice of the observer who sat close to the agent and watched him continuously could have been perceptible to the percipient sitting at a considerable distance, and with a closed door or a ceiling and carpet intervening. In these experiments out of 252 trials, the number was guessed correctly 27 times, and with digits reversed 8 times (Proc. S. P. R., Vol. VIII., pp. 536--596). If further evidence is needed it will be found in the experiments on the production of sleep at a distance carried on by Professor Pierre Janet and Dr. Gibert, Dr. Hericourt, and other French observers; and in the production of other effects at a distance by M. Roux, Mr. Joseph Kirk, Dr. Gibotteau and others. Men who have really examined the subject will, I think, admit that the evidence accumulated during the last ten years, if it does not demonstrate the reality of thought-transference, at least establishes its claim to our consideration.

I now pass on to consider briefly Professor Minot's comments on another part of the evidence put forward by the Society for Psychical Research. Believing telepathy to be a *vera causa*, we have sought to show that apparitions coinciding with the death or sudden illness, etc., of the person represented can plausibly be explained as hallucinations evoked by the action of one mind upon another at a distance. Our line of proof is twofold. In the first place we have obtained evidence that hallucinations of this kind have on several occasions been produced experimentally in some person at a distance by the mere will of the agent. In the second place we have endeavored to show that the coincidences between apparitions and the death of the person represented (to take the most crucial instance) are too numerous to be explained by chance. Professor Minot's comments are marked by the same curious ignorance of what we have really done and written in connection with this subject. He deals only with the

second line of argument, and tells us that if the subject is to be examined scientifically it should be viewed from the standpoint either of psychology or ethnology. "The psychologist," he says, "would at once tabulate the results, determine the proportion of phantasms seen by men and women, their relation to the age of the percipient, the time of day, etc. He would have sought for every possible factor in the percipient's condition." He then proceeds to say that he suggested this line of inquiry to Mr. Gurney, who replied "to the effect that this was not worth while." The accuracy of Mr. Minot's recollection of what Mr. Gurney said to him can perhaps best be gauged by what Mr. Gurney actually did in this connection. He devoted many laborious months of his life and some hundreds of pages of *Phantasms of the Living* to the study of hallucinations in general, their relation to the particular species of telepathic hallucinations, and to the tabulation of the result of an inquiry, continuing over several years, into the distribution of hallucinations, whether coincidental or not, amongst sane persons. Amongst other points dealt with in this inquiry are the proportion of hallucinations amongst men and women, their relation to the time of day, the health and occupation of the percipient, etc., etc. Once more I am bound to assume that Mr. Minot has not read the book, *Phantasms of the Living*, to which he refers in his article. It should be added that the inquiry which Mr. Gurney thus began has during the last four years been carried out on a much larger scale at the request of the International Congress of Experimental Psychology which met at Paris in 1889. The report of the committee charged with this investigation, of which Professor Sidgwick was the head, was read at the meeting of the Congress held in London in 1892, and has recently been published in full in the Proceedings of the S. P. R. (Vol. X.). This report is based upon the results furnished by questioning no less than 17,000 persons as to whether they had experienced sensory hallucinations; nearly 10 per cent. of the answers being in the affirmative. It deals with the nature, mode of occurrence and development of hallucinations in health, and their distribution according to age, sex, physical condition of the percipient, sense affected, and so on. It will be seen that neither at the time of which Professor Minot apparently speaks, nor since, has the Society neglected the scientific study of hallucinations.

As against his assertion that the narratives of this class which

we have published "emphatically suggest myth-stories," I will place an equally emphatic statement on the other side by Professor Royce (whom Mr. Minot quotes with approval). In a report on "Phantasms and Presentiments" presented to the American Society for Psychical Research in 1889, Professor Royce writes: "Our stories bear in general the marks of being not mere products of folklore or of systematic superstition, but rather expressions of genuine experience—of experience which our correspondents do indeed often misinterpret, but which are in most cases the fresh, live product of real mental processes, and *not* the manufactured tale of popular legend" (Proc. American S. P. R., p. 350).

At the outset of the work Mr. Gurney was confronted by an argument seemingly of some weight, which he states as follows: "All manner of false beliefs have in their day been able to muster a considerable amount of evidence in their support, much of which was certainly not consciously fraudulent." What right had we then to assume that our evidence was more trustworthy than that by which these admittedly false beliefs were supported? In order to test the validity of this argument Mr. Gurney decided to examine the grounds for the belief in witchcraft. He chose this partly because it was the classic instance of a false belief alleged to have been amply supported by evidence; partly because there is an immense and comparatively recent literature dealing with the subject, most of it written by men of eminence in their day. Mr. Gurney succeeded in showing that there is practically no first-hand evidence for the more extreme marvels, except that of occasional drunkards, or confessions extracted under torture; and that the only phenomena fully attested by eyewitnesses were such as could readily be explained by hallucination, hysteria, trance and other known causes. I cannot think that Mr. Minot's account of the matter is adequate. Mr. Gurney

"has studied through the literature of lycanthropy and like superstitions, and finds naturally no first-hand accounts. That conclusion is interesting and corrects the false notion that there was more or less of such evidence, but it has little bearing on the question in hand. If Mr. Gurney had shown that there was no evidence of magic exciting effect on persons at a distance, or that there was no direct evidence of an astrological horoscope being fulfilled, he would have had some defence for his position."

If magic and astrology had had as wide a vogue as witchcraft;

had formed the subject of recent and serious discussion by men of learning and repute, and had left so ample and accessible a literature, no doubt it would have been worth while to examine their claims as well. But Mr. Minot has failed to make clear why such studies should have been preferred to the study of witchcraft, unless, indeed, because Mr. Gurney did not explicitly deal with them, and did deal with witchcraft. As it is, Mr. Gurney achieved his purpose by correcting the "false notion" referred to, that the widespread belief in witchcraft was based upon direct evidence.

In conclusion, I must demur to Professor Minot's statement that "the leaders of the Psychical Society are literary men"—if that means that their chief claim to distinction is their literary work. Amongst those who are taking, and have taken from the first, a prominent part in the work of the Society in England are Professor Henry Sidgwick, Professor W. F. Barrett, and Professor Oliver Lodge, to whom I may add the late Professor Balfour Stewart. Abroad, among other names that occur to me, are those of Charles Richet, of Paris, and William James, of Harvard. I do not think that any one who is acquainted with the history of science at large during the last few years would consider that any one of those gentlemen was adequately described as a literary man. And I must again demur to the lesson which he draws from his unfounded assumption. To my thinking a man should be judged by his work; and even a literary man, without any scientific pretensions, when he has taken the trouble to study with candor and care the subject on which he writes, may on occasion be worth the hearing.

It would not become me to deliver a panegyric on the men with whom for many years I have had the honor of co-operating. But this much I may say for myself and my colleagues. We have never consciously misrepresented a fact or done less than justice to an opponent; in the slow and cautious pursuit of a novel inquiry, hampered by untried material and unfamiliar conditions, we have learned much from our own mistakes and shortcomings, and as much as we could from the comments of our critics.

This inquiry into telepathy has now extended over more than twelve years, and has cost much hard thought, prolonged research, patient and laborious accumulation of observation and experiment. The records of its results, alas! fill many thousands

of printed pages. We ask only for a fair hearing. The cheap methods of the journalist are out of place here. Even the *obiter dicta* of a scientific man, however otherwise eminent, do not meet the requirements of the case; and to criticise our methods and the results of the inquiry after a superficial reading of our earlier publications, leaving out of sight the work done after experience had been gained and methods of investigation perfected by trial, seems unfair, not more to the men whose work is thus misrepresented, than to the public, who look to the critic for guidance.

Such work can be judged only as a whole, and only by men who are willing to devote to the study of the results some small fraction of the pains which went to the accumulating and recording of them.

FRANK PODMORE.

THE FUTURE OF SILVER.

BY THE HON. R. P. BLAND, CHAIRMAN OF THE COMMITTEE ON
COINAGE, ETC., OF THE HOUSE OF REPRESENTATIVES.

THE financial question is now paramount in our politics.

Opinions as to policies widely differ.

The Democratic party finds itself unable to legislate upon the subject.

It is alleged that the party is wholly incompetent to govern because of its failure to relieve the financial situation.

The financial condition, however, is the result of the legislation of the last thirty years, for which the party now in power is not responsible, except as to the repeal of the purchase clause of the Sherman Act, which was done without at the same time making provision for the monetary future, by complying with the platform of the party which explicitly pledged the party to bimetallism by the free coinage of gold and silver.

The promoters of the repeal bill confidently claimed that the passage of the bill would restore confidence, and would restrain, if not actually stop, the gold outflow from the Treasury and the country. Repeal and stop—there was the remedy proposed for the ills that then threatened our financial stability and the prosperity of the people.

The repeal was secured by arguments and promises of the character named. Whether the unconditional repeal was *per se* politic or impolitic need not be discussed. It is sufficient to point out the utter failure of the measure to bring the promised relief to the country or the Treasury.

The country has been in a state of financial depression ; industries prostrated, low prices, hard times, labor strikes, riots, mobs, and unrest everywhere prevailing.

The amount of gold taken from the Treasury since the repeal

has been greater than before. One hundred millions of five per cent. bonds have been sold, and likely before this article is in type fifty or a hundred millions more will be on the market. All this to replenish the gold reserve, it is said.

Whereas the only great merit of the repeal bill was proclaimed to be that it would prevent gold drainage and bond sales.

These are facts of history. They cannot be denied. They should be recorded.

What next?

The question is more easily asked than answered. The party now in power is not able to meet, or up to this time has not met, the new exigencies. The reasons for this failure must be apparent to any one who will give a moment's attention to the circumstances which have led to this inaction.

The Democratic party in all its history has been opposed to national banks. The party has always been wary of bond issues and of national debts. It has been a party of strict construction of the Constitution and jealous of Federal power; hence it always favored economy and low taxation. It has combated what Jefferson, Jackson and Benton denounced as the paper system of United States banks. The history and traditions of the Democratic party are against the farming out, on the part of the United States Government, to corporations the right to issue circulating notes. Indeed, the controversy over the incorporation of the United States bank in 1791 between Jefferson, in opposition to it, and Hamilton, the most powerful champion of it—the one Secretary of State and the other Secretary of the Treasury—caused great discord in President Washington's cabinet, and was the beginning and laid the foundation of the two great political parties of that time, Republican, afterwards Democrat, and Federalists, afterwards Whig and now Republican.

In the NORTH AMERICAN REVIEW, April, 1893, I gave the record of the Democratic party in both houses of Congress showing this uniform hostility to national banks. The difficulty, therefore, that confronts the party in Congress is that the Administration is uncompromisingly opposed to the traditional policy of the party on the money question.

The great leaders of the party in the past have insisted on the money of the Constitution, the free coinage and use of both gold and silver.

Benton, in his *Thirty Years View*, Vol. II., page 187, summed up the Democratic creed as follows : " Gold and silver is the best currency for a republic ; it suits the men of middle property and the working people best ; and if I was going to establish a workman's party it should be on a basis of hard money ; a hard-money party against a paper party." If the doctrines of Benton were put in force, and the Federal government confined itself to the coinage of the metals, we would have sufficient legal-tender currency and all at par. The States could provide themselves, if necessary, with a local credit issue.

It is not the purpose of this article to go into theory or to criticise, further than is necessary to show the true relation of the administration and Congress upon this question and to point out what in all probability will be the final outcome of the struggle now going on between two great forces in this country : the power represented by the banking, bondholding, and mercantile elements on the one hand and the great agricultural and other laboring and productive power on the other. The divisions on these questions are plainly visible in the vote of Democrats representing different sections and interests.

Members from the large cities and commercial centres stand with the administration. Those from the agricultural districts align themselves with the mining and laboring forces for the free coinage of silver. Hence it is that on the currency question there is no agreement.

The President is at variance with the platform and all the traditions of his party.

It is not necessary to stop to argue that conditions are so changed as to warrant this departure : the statement of the fact is sufficient for the purposes in hand.

Congress and the Executive seem too far apart to come to any agreement on the financial question.

Should there be no legislation during this Congress, the whole question goes over to the next. The complexion of the next House on the currency question, especially on the silver question, is not certain, but it may fairly be presumed to be against free coinage. It is claimed that the Senate will have a majority of from ten to fifteen for free coinage of silver. Should this be true, and it is quite likely to prove so, the Senate will pass a free-coinage bill and will accept nothing short of it. This conflict between the two

houses will again result in no legislation on the silver question, and, doubtless, on the financial question.

The gold standard as now maintained presupposes a perpetual bond issue. Indeed, there is no apparent way of maintaining the gold standard, except by having behind it for its support the whole resources of the nation represented by the Federal Treasury. It is, or would seem to be, utterly impossible for the banks to maintain it without withdrawing all legal-tender paper. This would not accomplish the work unless there was also a limit put upon the amount of paper that could be issued by the banks.

Bank paper unlimited would effectively drive the gold from the country. To maintain the gold standard here requires the forcing down of prices to the world's level of prices. In no other way can the government or the banks maintain the single gold standard. Hence the necessity of limiting bank paper.

These observations, however, are digressing from the main object of this article. Should there be no legislation at this session of Congress on the financial question, which seems most probable, and none in the next session of Congress, the whole subject will go over to the people in 1896. The presidential election will hinge upon this one issue. This is as it should be, for in the event of the issue being squarely made and passed on by the people, whatever settlement is made would be more likely to prove permanent than any patchwork gotten up to prevent submitting the question to the people. The silver question ought to be made the paramount issue in the elections of 1896 ; so that its determination may be permanent, if possible. If the people want the single gold standard they will say so, if not they ought to decide it once for all.

In the contest, political parties as now organized will be sorely strained, if not disrupted. It may be set down as certain that in both the Democratic and Republican parties are strong forces that will not longer submit to an evasion of this question. Both parties must come out in the open for or against silver restoration.

I do not believe that the Democrats or Republicans in the agricultural and mining States will support any platform or individual inimical to silver restoration. All the advantages of legislation are now with the advocates of gold. They are, of course,

quite anxious to avoid the issue, but from the present outlook this will be impossible.

That prices will remain on the present low level, or probably go much lower, is almost inevitable. It is true the Director of the Mint, Mr. Preston, in his article in *THE NORTH AMERICAN REVIEW* for January, 1895, insists that the output of gold has greatly increased, and that the increase will likely continue indefinitely. But it must be remembered, in this connection, that wealth and population are on the increase out of all proportion to the increase in the output of gold and silver. The further fact must be borne in mind, that as nations are adopting the gold standard, the strain on gold increases. That the output of gold is inadequate is demonstrated by the constant fall in prices. To attribute the fall in general prices to the great increase of production, consequent to improved machinery, is to admit that the production of commodities is beyond the gold supply for exchanges. Standard money and wealth must increase in the same ratio, or there will of necessity be a fall in prices, or—what is the same thing—a rise in the value of money. The Honorable Director of the Mint, and the statisticians he quotes as to the future output of gold, should consider that speculations of this character are often as misleading and unreliable, as speculation in mining pursuits are often deceiving and disastrous to the speculator.

It may be possible to approximate the yield in precious metals from ores that are exposed to view, but to determine the probable outcome of unexplored regions is guess work of the most unreliable kind.

The Director of the Mint, pages 45-46 of the article alluded to, says :

“The highest previous yield of gold was in the period 1856-1860, when the production reached an average weight per annum of 201,750 kilograms fine, and an average yearly value of \$133,970,000. The output of gold, therefore, in 1893 was 16.08 per cent. greater than the annual average of the period of the greatest productiveness of the Californian and Australian gold mines.

“A still more noticeable fact is that the value of the gold product of the world in 1893 was only 8.77 per cent. less than the average aggregate value of the gold and silver product of the world in 1861-1865.

“The fact is, that the production of gold was never so rapid as it is today. When the yield of the Californian and Australian gold mines was at its highest, 1856-60, Michel Chevalier and other economists began to inquire what measures governments should take to prevent the depreciation

of the yellow metal, and some even proposed its demonetization. Yet now when the production of even 1856-60 is exceeded, and when the value of the annual product of gold alone is almost equal to that of the product of both precious metals before the depreciation of silver began, all the economic evils from which the commercial, agricultural, and industrial world is suffering are ascribed to the scarcity of gold. What better refutation can there be of such a fallacy than the figures adduced in the foregoing pages? They are more convincing than words; for if there is a scarcity of gold now, when was there plenty of it?"

This argument or statement of the case ignores the very important fact that the use of gold in the arts has of late greatly increased, the most conservative estimate placing it at 75 per cent. of the annual output from the mines. A still more important fact is left out. The wealth and population of this country have enormously increased.

The American Almanac for 1889, on page 302, gives our population for 1850 at 23,000,000, in round numbers; in 1860, 31,000,000. Wealth estimated at true valuation—page 21—in 1850, \$7,000,000,000; in 1860, \$16,000,000,000.

It is estimated that our population is now near 70,000,000, or about three times what it was in 1850, and more than double what it was in 1860.

Our wealth at this time is estimated at about \$60,000,000,000, about nine times more than in 1850, and four times as much as in 1860.

So has the wealth and population of the world largely increased. Again, since 1873 the countries of Western Europe and this country have gone to the single gold standard, discarding silver as standard money. So that the demand for gold is more than double what it was in 1856. In other words, while the output of gold has slightly increased for a few years back, the demand for it, on account of greatly increased wealth and population, coupled with silver demonetization, has made a requirement for more than double the amount of gold.

These considerations are sufficient to show that the output of the precious metals, especially when confined to gold, do not keep pace with increasing wealth and population. The percentage of increase in the world's wealth and population is not so great as the increase in this country, but without going into an examination of this, it is safe to say that the production of gold and silver combined is far short of the percentage of the increase of the population and wealth of the world.

How, then, can it be insisted on, that when we confine the production to gold only and limit metallic money to gold alone, there is a sufficient output of metallic money to subserve the business interests? It is absurd. To sum up:

No currency legislation will be had at this session of Congress. In the next, or Fifty-fourth Congress, the Senate will be overwhelmingly for free coinage of silver. Hence, no currency legislation is likely to be enacted at the first session of that Congress. Thus will the question of free coinage of silver become the paramount issue in 1896.

The decisive defeat of the bill to authorize the issuance of 500,000,000 of distinctively gold bonds as recommended by the President's message is very important in connection with the silver question, showing that the representatives of the people are not yet ready to decree a permanent single gold standard for this country.

The lines were very distinctly drawn in this vote upon the question of bimetallism and the gold standard. It shows that the hope for full restoration of *silver* is not lost—that the people are in no humor to surrender the battle. Never in the history of the country, so far as I am informed, has there been a single bond issued payable in gold alone or silver alone. All our obligations rest on the word *coin*. The bonds issued in 1870 called for coin of the standard of that date. At that time the mints were open to the free coinage of both gold and silver as standard money. Again, the president was mistaken as to the temper of the people upon the subject of bimetallism. No bill that provides for gold bonds can possibly become a law during this Congress.

The President's message asking for gold bonds has greatly intensified the issue, and has strengthened the cause of silver. The people see more plainly than ever that the gold standard means gold bonds to maintain it.

Gold bonds would necessarily mean a greater pressure on gold, for it would be a notification to all the world of a determination on our part to make permanent the gold market, should such an act pass. In all probability gold would go to a premium, unless we contracted the currency now outstanding.

Gold bonds would at once raise gold to a premium.

R. P. BLAND.

PERSONAL HISTORY OF THE SECOND EMPIRE.

III.—THE ALLIES OF THE PRINCE-PRESIDENT.

BY ALBERT D. VANDAM, AUTHOR OF "AN ENGLISHMAN IN PARIS," "MY PARIS NOTE-BOOK," ETC., ETC.

WHEN, at the end of the previous chapter, I said that Morny and Dupin *ainé* would not have joined the small group of the Prince-President's apparently faithful partisans but for their knowledge that the battle of the imperial cause was practically half-won, I wished to be understood literally. Both Morny and Dupin were venal to a degree, but it was the only thing they had in common with each other. Morny had a certain amount of physical courage, though not of the highest kind—the kind of courage which forms part of a French gentleman's education, but which, if properly analysed, would be found to contain a good deal of moral cowardice. Dupin was a coward, but with the courage to admit his cowardice. An anecdote of his early life will explain what I mean. His father had narrowly escaped death on the scaffold during the Reign of Terror. Though a staunch Republican, he hailed the advent of the Directory and the Consulate with intense relief, and sent his eldest son to Paris to study law under Tronchet, the same who with Malesherbes had solicited the dangerous honor of defending Louis XVI. at his trial. The stripling—for he was little more—remained absolutely impervious to the seductions and fascinations of the capital, and in six years obtained the highest distinctions his Faculty had to bestow. When complimented on his success, and the perseverance and pluck implied in the achievement, he answered, "I accept the compliment as to my perseverance. I cannot accept it as to my pluck, for it was not pluck but fear that made me accomplish these things. I trembled like an aspen leaf when I beheld the First Consul during the reviews in the Champ de Mars, and said to myself,

‘The brute will take us all as food for powder. I must escape such a death as that. That is why I studied so hard.’” Original, if pusillanimous, is it not? The fact is that Dupin was original from beginning to end, as we shall see directly—original even in his venality; Morny was not original at all. The half-brother of Louis Napoleon played his part in the *coup d'état*, the importance of which part has been much exaggerated, through the force of circumstances; Dupin performed his share in the preliminaries to the *coup d'état*, the importance of which share has not been sufficiently insisted on, from pure choice.

I will deal first with Morny, the accident of whose birth befriended his necessities, which necessities prompted the assumption of his rôle. Unlike Persigny, Morny had not even the faith that moves mountains, nor the generosity that hides such want of faith. But for his knowledge that he had gone too far either to serve the Republic or the Orleanist dynasty again, he would have retired from his position at the eleventh hour. As it was, he practically induced Louis Napoleon to do so by informing him that he had secured a retreat for both before it was too late.

“What if you should fail?” he is reported to have said, according to Persigny, who was present at the interview.

“We shall not fail,” replied the latter; “but if we do you need only concern yourself with the arrangements for our funerals, unless you like to take your share of this.” “This,” was a small packet wrapped in white paper which he took from his pocket.

“It’s poison,” said Persigny quietly, “and of the deadliest, and if you mean to use it you had better have your dose with you, for it is doubtful whether you will be with the Prince and myself to the last. I will not stir from his side happen what may.”

Morny shook his head with a supercilious smile.

“I am not fond of such violent measures,” he answered.

The supremest comfort he could think of for his half-brother when he left him shortly before midnight on the 1st December, 1851, was this: “Whatever happens within the next few hours, you are sure to have a sentry at your door when you awake to-morrow morning.”

The episode of the packet of poison remained an absolute secret between the Prince, Persigny and Morny until several years after the establishment of the Empire, at what time Per-

signy told one of my grand-uncles of it under the following circumstances. Persigny had at Chamarande a dog to which he was greatly attached. Though not very old the animal fell ill, and in spite of the veterinary surgeon's careful treatment seemed to suffer much. It would take neither food nor physic from any one's hand but Persigny's. At last his death was decided on.

"I poisoned it myself," said Persigny, when telling the tale. "I poisoned it myself, with one of the three doses of poison I had had in my possession since the middle of 1851. They were originally intended for the Emperor, myself, and a person I need not name, in the event of our failure.* On the 30th November, 1851, I offered that third dose to Morny, who tried to shake the Prince-President's courage by telling him that he had secured a safe retreat for him if matters should go wrong, in fact, almost persuaded him to avail himself of the retreat before matters did go wrong. Morny refused to have recourse to such desperate measures. I had forgotten all about my having the poison, though not the fact of my having bought it, until the other day. I have still two doses left; they may be useful some day. Who knows? What did the Prince-President say to Morny's refusal of the poison?" Persigny went on, in reply to my uncle's question to that effect, "The Prince-President said nothing, but merely smiled, and he has never alluded to the incident up till this day. Though you know the Emperor very well, you evidently do not know this. The Emperor's like or dislike of people is altogether independent of the merits or defects of those people; it is altogether independent of the ascertained or suspected corresponding sentiment with regard to himself on the part of those people. Put it in this way, if you like. Where his affections are concerned, the Emperor plays through-out with gold, though he may feel absolutely convinced that those with whom he plays are staking worthless counters."

Then Persigny apparently went off at a tangent, for he suddenly asked:

"Have you ever seen the Emperor and his cousin, Prince Jérôme, together? I do not mean in public, but in private."

My uncle admitted that he had not.

"You know," said Persigny, "that Napoleon III., like Na-

* In the note relating to this conversation my uncle insists, with how much justification I know not, that the unnamed person was Miss Howard, afterwards Comtesse de Beauregard.

oleon I., addresses his near relations in the second person singular when they are by themselves, and that his relations do the same?"

"Yes," assented my uncle, "I have heard the Emperor and Princesse Mathilde do it in my presence."

"Well," remarked Persigny, "although the Emperor addresses his cousin Jérôme in the second person singular, the latter always answers in the second person plural."

"Out of deference, perhaps," suggested my uncle, though he knew better.

Persigny laughed outright.

"All the respect Jérôme has for the Emperor will go into a very small compass indeed. No, it is not respect on Jérôme's part; it is resentment at a quarrel they had shortly before the advent of the Prince to the Presidency. When Jérôme made his appearance at the Elysée after that, he adopted the less familiar and affectionate form, and he has never departed from it since. The Emperor, who in reality has been a second father to him, continued to address him as before, and as if nothing had happened. If the truth were known, the Emperor still lives in hopes that his cousin will resume the old style, for, I repeat, the Emperor, where his affections are concerned, plays with gold, knowing full well, as he may, that those with whom he plays stake counters. He fosters no illusions with regard to Jérôme's goodwill to himself, the Empress, and the little boy just born; he has not forgotten Morny's attempt to discourage him on the eve of the *coup d'état*, but if ever blood was thicker than water it is Louis Napoleon's, and he goes on loving those whom he has loved, and will go on loving them whatever they may do."

It would be idle to pretend that Louis Napoleon cherished such affection for all his allies in the struggle he was waging, or even that he admired them all and attributed their aid to their personal regard for him. Napoleon III.'s character was curiously complex: he could admire without the least respect for the object of his admiration; he could respect without the least admiration for the object of his respect; he could love without the least admiration or respect for the object of his love or like. One instance will make my meaning clear. It is not at all pertinent to my present subject, but, in virtue of my being a mere

gossiper, I claim the right to take my illustrations wherever I find them. Napoleon III., in spite of his scepticism with regard to men, sincerely respected Drouyn de Lhuys, but did not like him; the statesman, on the other hand, was too sterling and upright to respect his sovereign's devious political ways, but he liked him. "Drouyn de Lhuys and I," said the Emperor one day, "we each give away to one another what we are individually most in want of for ourselves."

It may be taken for granted that Louis Napoleon never contemplated enlisting André Marie Dupin among his allies, either before or after his advent to the Presidency. Though virtually a stranger to the soil of France, the Prince knew every man of note on it, and from their past judged in how far they could and would be useful to him in the immediate future. There could be no possible mistake in that respect with regard to Dupin. Wherever he could do so without absolute risk of liberty and life, young Dupin had shown himself a bitterly hostile opponent of Napoleon I. and his reign. In a *Manual of Roman Law* he had lampooned the great captain as Tiberius while presenting the great-captain's victim, the young Duc d'Enghien, under the traits of Germanicus; he had bespattered the fallen giant after his abdication at Fontainebleau, and insulted him during his imprisonment at St. Helena. True, he had also defended Michel Ney against the acrimonious indictment of that other able lawyer Bellart, who moreover owed a great deal to Napoleon I. which Dupin did not; but whatever merit might have accrued to him from this act of independence under the Restoration, he spoilt it by his prominent position ten years later among the mourners at Bellart's funeral. Not one, but half a dozen eminent men openly reproached him with his political apostasy. "You do not seem to understand that the defenders of Michel Ney were longing to hear the *De Profundis* recited for his executioners," he replied, and evidently considered the epigram sufficient to condone as well as to explain his insult to the memory of the martyred victim of one of the foulest crimes perpetrated under the pretext of dynastic necessity.

Dupin's belief in the omnipotence of epigram as a moral veneer for political as well as other immorality was to a great extent justified by his thorough knowledge of and his supreme contempt for the majority of his countrymen, and especially for

those actively engaged in politics. He knew that in France one well delivered epigram is sufficient to start a man on a prosperous career, sufficient to hurl the man at whom it is levelled from the pedestal to which he has climbed with infinite trouble and perseverance. And seeing that he had not his equal in the facility for coining epigrams, not even in Talleyrand, that his peer in that respect, Rivarol, had been in his grave since the beginning of the century, Dupin had never been very sparing of them. From that moment, however, he began to sow them broadcast, taking care not to hide his light under a bushel, for modesty was not Dupin's besetting sin. Rather than plead and not be reported, he refused to plead at all ; which, in fact, he did when asked to defend Béranger a third time. Of course, he did not say so in as many words, but no one was his dupe, because every one was aware that, as an exceptional measure, the Government intended to exclude reporters from the trial. Nevertheless, almost every one thought it perfectly natural that Dupin should not care to waste his truly marvellous epigrammatical and histrionic talents on empty benches and without a chance even of having his *mots* conveyed at second hand to the public which was so eager for them; so that when in 1832 he was elected to the Presidency of the Chamber of Deputies the public took care that he should have no cause of complaint on that score. They flocked to the Palais-Bourbon as their successors flock to the *Académie* at the reception of a new member, and they were invariably better rewarded for their journey than the latter. They flocked to the Palais-Bourbon as the cultured Parisians of to-day flock to the Comédie-Française to roll on their mental palates the epigrams of Dumas *fils* and Edouard Pailleron, sublimely indifferent to the goodness or badness of the cause on which those epigrams are expended. Dupin spared neither friends nor foes. When seated in the presidential chair perched atop of that storied platform, and with that deep-toned silver bell in front of him, he had only subjects for vivisection whose mental sores he laid bare with one deft turn of his scalpel. The patient might be in the opposite political camp or in his own, the epigram when on the tip of Dupin's tongue had to find vent. In fact, it is difficult to determine to which party Dupin belonged, for he lashed all in turns. Like Thiers, he is a political acrostic. Thiers' whole spells "personal ambition," Dupin's "rapacity."

His average income at the bar during the Restoration was about 80,000 francs, an enormous sum in those days, never exceeded at that time by the most brilliant legal luminaries, Berryer included. But Berryer had the improvident habit of remitting part of his clients' fees now and then; nay, in one instance, remitted the whole of such a fee lest a client's daughter, whose dowry had been swallowed up in her father's lawsuit, should go husbandless. Dupin exacted his to the utmost farthing and was not always satisfied then, as the Napoleonic generals whom he defended under the Restoration, and the three Englishmen who helped Laval-ette to escape could have testified. Earning, as he did, 80,000 francs per annum, it was but natural that he should have refused elevation to the Bench under the Restoration at half that stipend, but no sooner had Louis Philippe ascended the throne than he accepted a procurator-generalship. It would, he knew, pave the way to the Presidency of the Chamber with a salary of 100,000 francs; and the functions would, moreover, leave him free to resume his practice at the bar, as did M. Jules Grévy forty years later on. For nearly eight years Dupin filled the presidential chair, and he would have probably filled it till the end of Louis Philippe's reign, but for a combination between Thiers and Molé, both of whom had got tired of his repeated onslaughts, and by their tactics prevented his reelection at the opening of the session of 1840. Molé in his fall dragged Dupin with him.

This was the man who after an interval of ten years was chosen once more to direct the debates in the Chamber of Deputies, and whom the would-be historians of the *coup d'état* have unanimously left in the background. It is because these writers, even M. de Maupas, whose work I translated myself, have not had the unenviable but nevertheless salutary advantage of attending for days and days during several years the proceedings at the Palais-Bourbon, and because, therefore, they do not know and fail to guess what a President of the Chamber may and often will do in the pseudo-exercise of his legitimate duties. I have had that advantage, and do not hesitate to say that a President of the French Chamber can mar or make a ministry even more effectually than the majority which supports such a ministry. Although I had never seen Dupin at work, I felt convinced the moment I read the innumerable anecdotes and heard the absolutely unpublished stories about him that as "an artisan" of the *coup d'état* he

ought to rank next to Persigny and even before Fleury, which is not saying little, as the reader will find directly. It matters little or nothing to my present purpose that his share of the work was performed unconsciously, or, if not unconsciously, against his own inclination, at any rate at the beginning of Louis Napoleon's presidency; for I feel certain that not for one instant did he then harbor the thought or desire of smoothing the latter's road to the imperial throne. That he did smooth it is incontestable, and that is why I have dwelt at such great length on him, although the writing of his biography would have been attractive to me under any circumstances. He, a professed Republican—for after Louis Philippe's fall he resumed that appellation once more—made the Republic, its parliamentary adherents, its ministers, and for that matter the whole of the legislature, ridiculous in the eyes of France, and ridicule kills in France, “especially when directed against a civilian,” as Louis Napoleon himself admitted. By making the Republic ridiculous, he bred the wish in the minds of Frenchmen to have done with the *régime*. That was, roughly speaking, his share in the preparations for the *coup d'état*.

How he did it must be told in as few words as possible, for I have already outrun the space originally intended for Dupin. One day the Protestant Minister, Athanasius Coquerel, was trying to prove that the Republican system was based on the Gospel. “Nonsense!” exclaimed Dupin. “I have yet to learn that Christ said, ‘My republic is not of this world.’” On another occasion, Victor Schulcher, who died only a couple of years ago, having said, in the course of one of his speeches, “We enjoy the happiness of living under a Republic,” he was violently interrupted by the members of the Right. Astonished, the speaker turned to the President for an explanation. It came at once. “No one is questioning the fact of the Republic; they are only contesting the fact of the happiness,” remarked Dupin. “Persigny is no doubt the author of the *coup d'état*,” said the Emperor to my uncle when the news of Dupin's death came (1865); “yet, but for Dupin, there would have been a difficulty in performing the piece; he discredited the rival authors and their companies, and finally shut up their theatre.”*

* In my various conversations with M. de Maupas and others, I have never been able to ascertain with any degree of satisfaction to myself whether Dupin's attitude in the early morning of the 2d December, 1851, was a carefully rehearsed one or forced upon him by the knowledge of his powerlessness to resist the troops that had invaded the Palais-Bourbon. All my interlocutors, but especially Maupas, always

Napoleon III. was right; Persigny was virtually the sole author of the *coup d'état*. That his name has been cast into the shadow by that of the principal actor of his piece is due to the fact that the actor was perhaps greater as an actor than the author as an author. The same thing has happened on the stage with the authors of *Our American Cousin*, *Rip Van Winkle*, *Adrienne Lecouvreur*, *L'Auberge des Adrets*; in fact, in all cases where the interpreter's genius surpassed that of the playwright. But, however great the author, if his piece be a spectacular one like the *coup d'état*, he must, in addition to his principal interpreter or interpreters, have various stage managers and notably able editors and journalists who, without revealing the actual plot of the play, will gently stimulate the interest of the public until the play be ready to stir the public into enthusiasm or disgust. Cavour found his stage-managers in La Marmora and Cialdini, his editors and journalists almost everywhere; Bismarck had Von Roon and Von Moltke to rely upon in the one capacity, and a score of eminent men throughout the Fatherland to propagate his views by means of the printing press. Journalists and captains were virtually ready to Cavour's and Bismarck's hands. Cavour and Bismarck bore honored and historic names which inspired confidence; their collaborators offered themselves. Persigny had no ancestry to boast of, and his name was known only in connection with two miscarried adventures and to a small minority. It is doubtful whether his name inspired any confidence at all. Yet, in spite of these drawbacks, he found two men of inestimable value to his undertaking, or, to speak by the card, he at once guessed their capabilities when chance or design threw them across his path. I am referring to Dr. Véron and Colonel (afterwards General) Fleury.

I doubt whether the former's name is known, at any rate in connection with the political events preceding the Second Empire, to one out of every thousand Americans and Englishmen. I doubt whether the latter's is more than a name to one out of

turned the subject. Nevertheless, from evidence gathered from other and entirely disinterested quarters, I am of opinion that Dupin knew what was going to happen. While Baze and Lefé were arrested and led away, Dupin was left unmolested in his apartments at the Palais-Bourbon—pay, free to roam about. When, a few hours later, about threescore of Deputies managed to effect an entrance to the house, owing to an oversight of Espinasse and Saint-Arnaud, and asked Dupin to preside over their sitting, he declined and wished them good morning. Maupas scarcely devotes half a dozen lines to his share in the proceedings; the fact remains that after the establishment of the Empire he was on very friendly terms with the Emperor. What was his reward? Not a public one, but a substantial private one, I feel convinced.

every hundred ; and yet both these men contributed powerfully to Louis Napoleon's elevation to the throne ; but unlike Dupin's, their support was given consciously and with a full knowledge of what might be the result. Émile Fleury was absolutely disinterested in the matter, but he had an innate sense of the fitness of things, and considered that a king should enact the king, an usurper have the daring, the lawlessness, and grandeur of an usurper. Louis Philippe, it must not be forgotten, was as much of an usurper as Louis Napoleon, but he lacked the daring, lawlessness, and grandeur of an usurper. His fall from the throne was not a fall, but a tumble. He himself was probably too old to head a struggle for his crown, but his four sons were all in the prime of life, and not one stretched forth a hand to save that crown, if not for their septuagenarian father, at any rate for their ten-year-old nephew. That this tame submission to the will of the mob was profoundly distasteful to the whole of the French army there can be not the slightest doubt, albeit that the contempt for that mob and the disapproval of the princes' tameness, manifested itself at the time and subsequently in very different ways. Here is a story which my uncles had from the lips of General Talandier, the same to whom I referred in the first chapter as having stemmed, when but a colonel, the tide of insurrection on the occasion of Louis Napoleon's attempt at Strasburg. "Fleury," said the general, when alluding to the former's share in the *coup d'état*, "well, Fleury felt what most of us did, that it was no use fighting for those who would not fight for themselves. That most of us were of that opinion I could prove to you by a dozen stories. One, however, will do. During the month of February, '48, I commanded the 4th Brigade, which was quartered at the *École Militaire*. When I learnt the news of Louis Philippe's departure, I sent for the seven colonels under my orders, for there were three regiments of the line, three of cavalry, and a battery of artillery. I proposed to gather up our little army and to take up a position at Passy and to bring back the king if possible. All but one colonel refused."

And we must bear in mind that this was before the Duc d'Aumale's want of action became known. The enthusiastic co-operation of the army in the *coup d'état* wants no other explanation than this. All the tales of the fabulous sums of money given on the eve of it to Morny, Maupas, and Saint-Arnaud—to

the latter especially, as bribes for the army—are so many fabrications. To begin with, the army did not want bribing, and least of all the garrison in and around Paris. Apart from the magic influence of the name of Napoleon, to which I have already alluded, to which I shall have to allude again directly, the army had grievances of its own to avenge on the people. The defeats of their predecessors in the Revolution of 1830 and the defeats of their fellow-soldiers in the Revolution of '48—defeats attributable to no fault of theirs—were rankling in their minds. Their subsequent victories in June, '48, and June, '49, were not of a kind to efface the humiliating recollections of those defeats. If the truth were known, they were all but too eager to try conclusions with the turbulent scum of Paris, and especially with the National Guards. Secondly, if bribery with money had been necessary, Louis Napoleon could not have done it, for he had not the wherewithal. I have more than one impartial authority (Maupas' evidence might be suspected) for my positive statement that the sum of money in the possession of Louis Napoleon at 10.30 p. m. on the 1st December, '51, did not exceed 65,000 frs., 50,000 of which had arrived but two or three days before from England, with a polite but very firmly worded intimation that "this will be the last remittance under existing circumstances." The real significance of that sentence quoted I have explained elsewhere;* with regard to my statement that those 50,000 frs. were nearly the whole of Louis Napoleon's resources, I have no less an authority than that of the late Baron James de Rothschild, on whose bank the draft from London, and made payable to Persigny, was drawn. At least such is my reading of a note in my uncle's handwriting and relating to a conversation on the subject with Baron James. My uncles frequently called on him,† and though, of course a busy man, he was rarely so busy as to decline chatting for a little while on matters not connected with their call. It was during one of those chats that Baron James delivered himself of the following, but I have no clue to the origin of the topic. "All those cock-and-bull stories about the wholesale bribing of the Paris garrison on the day of the *coup d'état* would be vastly amusing, if they did not undermine the respect of the soldier for his officers—consequently, discipline. Some one in authority should

* *An Englishman in Paris*, vol. ii., chap. 3.

† *My Paris Note-Book* (American edition), v. 11.

give them a flat contradiction once for all. The Emperor cannot do it for many reasons; besides, no one would believe him if he did. I could do it, but people would believe me even less than the Emperor, and yet I could give them proof positive for what I should state, for I know almost to a few thousand francs how much money Louis Napoleon had in his possession on the night of the 1st December. He received 50,000 frs. from England two days before, I saw the draft ten minutes after it had been presented, and I do not believe he had another 20,000 frs. to save his life. Where would he have got the money from? Miss Howard had given all she had to give; Princesse Mathilde had stripped herself of every bit of available property, portable or otherwise, long before that. From the Bank of France, which, it is said, advanced him ever so many millions, or, to put it correctly, was compelled by him to advance those millions in return for some privilege? He had no privilege to give, and people might just as well say that we advanced him the money. Nay, the latter hypothesis would sound more plausible, for we, at any rate, could have done as we liked without consulting any one; the Bank of France could not have done so, for the Republicans kept a strict watch upon every one likely to be useful to the Prince-President. He had not even the power to transfer a horse from the stables of St. Cloud to his own. I have an English groom in my service who was at St. Cloud during the three years of the Presidency. One day Louis Napoleon visited the stables in company with an Englishman; and the stud-groom, also an Englishman, trotted out a splendid chestnut to show them. 'Send that horse to me in Paris,' said the President. 'I can't do that, sir,' replied the man respectfully; 'the horse belongs to the Republic.' I am giving you the story in the very words given to me. Besides, if the Prince had all those millions of the Bank of France in his cash-box—some say it was five, others ten—why should he have wanted that miserable 50,000 frs. from London? for although the draft was made payable to Persigny, there is no doubt that the money was intended for Louis Napoleon."

No, the army did not want bribing. After three years of constant contact with the heir of Napoleon I. it was ready to do anything and everything at that heir's bidding, seeing that only a month after his advent to the Elysée the mere sight of him had aroused the troops' enthusiastic cries of "*Vive l'Empereur!*"

Their coöperation was a foregone conclusion from that day forward, but it wanted intelligent organizing and intelligent leading, and some of the officers had to be shown that Louis Napoleon was not such a "vile civilian" as Cavaignac and his partisans had tried to make him out; not such a "melancholy parrot" as Changarnier delighted in calling him when he found the melancholy parrot develop a tendency for uttering sentences other than those he had tried to drum into him.

The task of proving that this vile civilian and melancholy parrot was "a gentleman from the crown of his head to the sole of his foot, and every inch a king," as Lord Normanby, an enemy, said of him, devolved upon Colonel Fleury as far as the army was concerned. But he did more than that. It is no exaggeration to say that from the beginning of '49 till the beginning of '52 he was the virtual Minister for War, no matter who was nominally the holder of the portfolio, or, to put it in the pertinent words of Persigny—than whom no man was more anxious to acknowledge the services rendered by Fleury—"he was the Minister for the Civil War we foresaw as the result of the Prince's action." It was Fleury, who during those three years selected the regiments to be successively quartered in Paris, and sent them back to the provinces thoroughly imbued with the idea that the imperial *régime* was best suited to the physical welfare of the army at home, to its prestige both at home and abroad; it was Fleury who pointed out the officers for promotion, and recruited Saint-Arnaud and Magnan in Algeria, a by no means easy task in spite of the feeling of discontentment generally prevalent at the last public act of Louis Philippe's fourth son. Truly, the sudden departure of the Duc d'Aumale, his quiet resignation of the governor-generalship of the colony without his striking one blow for the recovery of his father's throne, had bred universal dissatisfaction among those officers in Africa; but the recollection of the Duc's splendid courage and leadership remained; and though the officers had withdrawn their allegiance from him, they were, perhaps, not quite prepared to transfer it at a moment's notice to an "individual"—the term is not mine—of whom in spite of the glamour of his name, they knew comparatively nothing, who had, moreover, not gained in their estimation at the hands of the two immediate successors of the Duc, namely, Changarnier and Cavaignac. This feeling of hostility

to Louis Napoleon in the African contingent of the French Army only wore off by degrees; as late as 1852 there were still some slight traces of it left; for the Prince-President could not counteract it by the charm of his personal presence. Fleury, however, was not only a valiant soldier and a thorough man of the world, but a far from despicable organizer, and, what was better still, a skilful diplomatist. Even Thiers had to admit this, though reluctantly, after his journey to St. Petersburg in the end of 1870, at what time Fleury had vacated his post of ambassador but a few months. Alexander II. not only referred constantly to Fleury's diplomatic capacities, but almost plainly hinted that if a sense of a soldier's duty had not compelled Fleury's departure, the sequel to Sedan might have been different from what it was. To the outside world of 1848, though, Colonel Émile Fleury was nothing more than a brilliant, dashing officer with a splendid record for personal valor, but otherwise in no way distinguished from a host of similarly endowed African campaigners, except for a greater fund of amiability and an utter absence of buckram, brusqueness, and conceit. It is doubtful whether the newly elected President of the Republic chose Major Fleury—he was only a major then—as a member of his military household for any but his social qualities. Fleury was a *viveur*, so was Louis Napoleon. Fleury was fond of woman's society, Louis Napoleon was too fond of it. Fleury was a constant visitor to the greenroom of the Comédie Française and other theatres. Louis Napoleon, while an exile in London, was frequently seen at the wings, especially when there was a pretty actress in the cast. "It appears, *commandant*, that you go behind the scenes," said the President, shortly after his accession, when a discussion about the prosperity of the House of Molière arose. "You must have some one to represent you worthily, Monseigneur," was Fleury's ready answer.

But beneath the jovial and apparently careless *bon-vivant*, Persigny had detected the sterling, clever emissary necessary to his purpose. Fleury went to enlist Saint-Arnaud, if feasible; Persigny, in all probability, had indicated him. The men who helped to make the *coup d'état* were all, with the exception of one (Dupin), without fear; for Morny, though refusing to take the dose of poison offered to him by Persigny, had given proofs of his courage on the battle-field; none but one (Fleury) was

without reproach. "One cannot force a cathedral door with a toothpick; and in a fight, provided one knocks one's adversary down with it, the ledger of the National Debt (*le grand livre*) is as good as a Bible," said the Emperor one day when referring to those who had helped him. I have written the sentence in English, but it was delivered half in English, half in French. It was a habit of Louis Napoleon to use two and sometimes three languages in so many sentences. "I do not like my thoughts to sit fretting at home because they do not happen to have the exact clothes to go out in," he remarked on another occasion, in explanation of this habit. Persigny knew all about Saint-Arnaud without having been told. Both men had led a checkered career. Saint-Arnaud, though belonging to a very good family, had been a commercial traveller, an actor, a fencing-master, and heaven knows what else besides, before he entered the army a second time. Persigny had followed many occupations, and none for very long, after he exchanged the dragoon's uniform for the dress of the St. Simoniens, and the latter garb for that of everyday life. Saint-Arnaud and Persigny had no doubt met at some period of their lives, but it would not have done for a simple civilian to sound the general of brigade and Knight Commander of the Legion of Honor on so dangerous a subject as that of his co-operation in the *coup d'état*. So Persigny sent Fleury, whom, as a negotiator, he knew to be immeasurably superior to himself. "I can send Fleury into a quagmire of intrigue with a pair of dancing-pumps on; he will come back as clean as a new pin and with the object I want; Persigny with his jack-boots would get up to his waist in the mud and bring back the object utterly unfit for use. It is because the one would have made the journey with his eyes and ears wide open; the other with his eyes fixed on the sky watching for visions and only listening to the promptings of his own fealty and loyalty to me. Fleury always spoke and acted like the envoy of a Cæsar; Persigny, in spite of himself, conveyed the impression of his having been sent by a Catiline. Intrinsically there may not be much difference between the motives of these two, but history says there is, and history often spells 'prejudice.'" This was Louis Napoleon's estimate of the respective characters of his two principal collaborators.

None of the precautions so essential in the case of Saint-Arnaud was needed in that of Dr. Louis Véron. At that time, Dr.

Véron was the proprietor of the *Constitutionnel*, and what was better still, from the Prince-President's view, the sole arbiter of its policy. The influence of the *Constitutionnel* itself can best be measured by a couple of sentences from Lamartine with regard to it. "The Republic has produced nothing better in the way of a daily paper. The *Constitutionnel* is a clan of men of wit encamped one day on the Boulevard, the next in the Rue de Rivoli, watching the Revolution as it passes by, and looking at men and things with the smile of *dilettanti* and through an opera-glass." The chieftain's name had long before that become a household word with the Parisians, and Paris then as now dictated to the rest of France. There had been proprietors of nostrums before Dr. Louis Véron, but never such a one as he; there is not a single device in the way of advertising resorted to by the present vendors of patent medicines that was not suggested by him. The genius for booming his wares, himself, and those whom he wished to befriend, he brought to bear on the management of the *Révue de Paris* and on the direction of the Opéra, though with different results. The periodical was a comparative failure, simply because the public were not quite ripe for exceedingly good literature, but of a lighter kind, in monthly doses; secondly, because there sprang up in the mind, if not in the heart, of Dr. Véron himself a formidable rival for his affections, namely, the opera, which in the course of five years he raised to a pitch of prosperity such as it had never attained before nor has attained since. Dr. Véron ought to have been a happy man-and clung to the Muse that virtually made him a prominent figure by the side of such celebrities as Meyerbeer and Scribe, Auber and Adam, Hugo, Balzac, and Dumas, with whom, of course, no one attempted or pretended to compare him intellectually, but with whom, nevertheless, he associated on a footing of social equality; basking, as far as the public was concerned, in the reflected glory of their fame. That, however, was not sufficient for him. Though he commanded social distinction long before similar distinction was accorded to great operatic impressarios in other lands, he flung operatic management to the winds to become a factor in politics. He was bitten by the mania which in those days gripped some of the most brilliant luminaries of the literary firmament, Lamartine, Hugo, Dumas, Sue, etc. Unfortunately he chose to make his political *début* under the

guidance of Thiers; in other words, he bought the *Constitutionnel* and made Thiers its master, and Thiers rewarded him as he had always rewarded, and rewarded to the end, all those who made themselves the stepping-stones to his ambition: with ingratitude and promises which were not only never realized, but never intended to be realized.

It must not be supposed for one moment that Dr. Véron sat fretting over his political disappointments. He simply consoled himself for them by making money, for making money was a supreme enjoyment to him. But he was no miser. I knew Dr. Véron personally during the last ten years of his life, and, though too young to judge critically, I remember many acts of his kindness to the poor. Truly, as I remarked elsewhere, he did *not* do good by stealth and blushed to find it fame, but he did good for all that. My uncles were frequent visitors at his house, for though he had relinquished the active profession of a surgeon almost at the outset of his career, he was fond of the society of his former colleagues and proud of his medical degree. I never saw Lord Brougham in the flesh, but whenever I come across a portrait of the eminent English statesmen, my thoughts always wander back to Dr. Véron. I dare say the likeness exists to a great extent in my imagination. I have never tested it by putting their portraits side by side. I doubt, however, whether the two men had much in common mentally and morally, except their overweening vanity. Lord Brougham, I have been told, often made himself ridiculous in private life; I feel certain that Dr. Véron never did either in private or in public. Long before he flung Thiers overboard he must have known that the latter was furthering his own political ambition, and solely his own, by means of the *Constitutionnel*, but until he felt himself capable of navigating the ship himself, and sighted the America of his own ambition, he submitted to Thiers's whimsical dictatorship.

That moment of independent action struck shortly after the advent of Louis Napoleon to the Presidency, to which advent the *Constitutionnel* had contributed at the instigation of Thiers, who had made up his mind to be Louis Napoleon's successor at the expiration of the latter's four years of office, the period provided for by the new Constitution. In order to prove this, I append one of the Emperor's remarks on the subject to my uncle. "Shortly after my election to the Presidency, Thiers asked me

one morning what official costume I was going to adopt, and when he heard that I was wavering between the uniform of a general of division and that of a general of the National Guards, he said, after a few moments : ‘Take my advice—adopt neither the one nor the other. I feel convinced that the nation will be delighted to see its *civic* chief magistrate adopt civilian dress. Besides, if you were to adopt a military costume, your successor might be awkwardly situated if he could not do the same.’ It was telling me in so many words,” concluded the Emperor, “‘I’ll be succeeding you in four years, and I cannot very well put myself in a General’s uniform.’” All these designs of theirs were knocked on the head one day by an article in the *Constitutionnel*, entitled “Two Dictatorships.” It was written by the father of M. Paul de Cassagnac, and simply announced that the *Constitutionnel* had gone over with arms and baggage to Thiers’s enemy.

By that time the paper had already an enormous circulation—of course for the France of that day. Véron increased it still further by grouping around him all the literary men of note. He did more. He instituted a daily dinner at his house and a weekly gala one, both of which became the active centres of the propaganda of the Napoleonic cause. In the course of these chapters I shall be enabled to show the influence of the drama, music, and pictorial art on the history of France ; I need not, therefore, insist upon it here. In fact, except M. de Maupas, not one of Louis Napoleon’s *collaborateurs* has ever denied Véron’s share in the *coup d’état* ; and much as I owe to Napoleon III.’s Minister of Police, I feel bound to say that his evidence is tainted with jealousy. M. de Maupas never reconciled himself to the fact that there were 10,000 men in France who could have given the Prince-President the same intelligent co-operation he gave, and that chance befriended him in being selected for the task. There were not a half-dozen Vérons. General Magnan, assuredly more clever as a soldier than was M. de Maupas as a prefect of police, never advanced such pretensions of being unique in his way. Colonel de Béville, who performed his share in the affair with equal tact, determination, and skill to that of General Magnan, was as modest as he. The Empire, on the threshold of which we now stand, will show that, save Fleury, not a single one of Louis Napoleon’s henchmen was capable of improving what he had helped to create, and least of all among

them M. de Maupas. But, like Louis Napoleon, I also must change my dress while preparing to enter the Tuileries. Henceforth, at any rate for a considerable time to come, I accept the part of Court chronicler; not a slavishly blind one, the reader may feel assured. Like Latour, the famous eighteenth-century pastellist, I will endeavor to be impartial alike to master and servants. If, at the end, the master still stand out as a great, though very faulty, man, it will be because the servants were faulty without having an atom of his greatness.

ALBERT D. VANDAM.

(To be Continued.)

NOTES AND COMMENTS.

HOW TO PREVENT STRIKES AND LOCKOUTS.

WHAT has been the history of the average strike? A grievance or grievances; an appeal for redress. The determination on the part of the capitalist, either justly or unjustly, not to accede to the demands. The men are "called out," loudly protesting their hard treatment and their determination to appeal to the tribunal of "public opinion." They strongly proclaim their respect for the laws and aver that no rioting or disorder will be permitted, and offer to protect the property of their employers. Protect it against what? Who is going to molest it? Other capitalists? What rank hypocrisy! Taen men hungry for employment and the rewards that employment will bring seek to avail themselves of their inalienable right to "sell their labor in the highest market." What follows? Appeals, intimidation, threats, blows, and all the wild horror and disorder of riot and bloodshed. Destruction of property follows or is imminent. The civil authorities are appealed to. The civil arm is paralyzed. Then the power of the military is invoked. The soldiers are called out. The fever is at its height. Rage is rampant. The bounds are overstepped and the deadly bullet sows death and order. The sight of dead and wounded comrades awakens reason. The strike is lost. A mad rush for reinstatement follows, and the last end is worse than the first. Is this overdrawn? It was the history at Pullman and the centres of sympathetic disturbance superinduced by that act of monumental folly on the part of "Union" workmen.

The Brooklyn strike is a more recently written page of folly as great and results as deplorable. Admitting that the grievances of the motormen and conductors were great, did their strike accomplish aught? Had there been no workmen willing to earn wages by taking the places of the striking employees, would the cars have been run? Who received the blows and stones of the enraged strikers? Assuredly not the capitalists; but poor, unoffending citizens, inanimate cars, and fellow-workingmen. These were the sufferers, together with the strikers themselves. The City of Churches was avoided as a plague spot, and her inhabitants cruelly wronged and distressed because of the mistaken notion that a strike could redress the wrongs, real or supposed, of a few thoughtless and brutal workmen.

The public mind seems to be impressed with the thought that antagonism and conflict are, in some way, inseparable from the relations of employer and employed: that strikes and lock-outs are necessary incidents, where some men work for others. So imbedded is this thought that all remedies, so far suggested, accept by implication the major premise that the strike and the lock-out are natural concomitants of these relations.

A careless use of words is responsible for this impression. There is no conflict between "labor" and "capital." There can be none. Misconceptions, brought about by this careless use of words and current phrases should be eradicated. A knowledge of the meaning and correct use of words is essential to accomplish this result. The word "capital" is carelessly and wrongly used, instead of "capitalist," and the word "labor" is, with similar misuse, substituted for "laborers" or "workingmen."

In its broad sense, capital is merely accumulated surplus above the necessary expenditure for maintenance. Colloquially it is made to stand for the owner or capitalist, just as labor is used to represent the whole body of those who work for wages. Of itself capital has no power for either good or evil. Only from its use can there arise either benefit or oppression. Its use necessarily implies a user, who may be either an owner or a hirer. Where the user is also the owner, both the capital itself and the gain, if any, from its use are legitimately the property of the owner. Where the user is a hirer, only so much of the gain from its use, less the sum paid for hire, is the legitimate property of the hirer. However rudimental all this may seem, it is evident that even these primary truths have not been learned by the members of labor-unions. By them "capital" is arraigned as selfish, oppressive, and subversive of the rights of the employed. It is innocent of these charges. Capital may be used for selfish purposes. Its use may even serve as a means of oppression; and its possession may make the possessor careless of the rights of others. It is not, however, the antithesis of labor. Of itself it is helpless; unused, it is self-destructive. Accretion comes only through use. Decay and disintegration are inherent in all forms of wealth; gold, silver, and the precious stones being least affected.

The desire to accumulate wealth is a legitimate one; legitimate effort to secure it is praiseworthy. Both desire and effort are common tendencies with the poor as well as the rich. Those who will may not only desire to secure capital or wealth, but may make every honest effort to lay it aside, and when obtained it is wholly and solely the property of the possessor. No one has any right, either legal or moral, to share the accumulations of another. Yet this preposterous doctrine is urged by trade-unionists. It is claimed that as their labors contributed to the accumulations of capital, they have a right to a share of it. As well might the capitalist claim a share in every investment made by his provident workmen. This is a most dangerous heresy.

Of the total working population probably four-fifths are non-union men. Have these four-fifths no rights? If non-union men seek the employment refused by the union men, and are willing to accept the wages which these refuse, what right has the minority to attempt by intimidation and force to interfere with them? There is then a conflict! But this conflict is not between the laborer and the capitalist. No! this conflict is between about one-fifth of the working population, organized in trades-unions, and four-fifths, not so organized. The conflict is between union and non-union men. It is the non-union men of whom the strikers are in fear. These are the people to be kept from employment at every hazard. These are the antagonists.

What becomes of the fine phrase "The injury of one is the concern of all"? Is its meaning narrowed and restricted to the few who are banded together in the unions? These organizations have been posing as the representatives of those who toil; whose one common cause was the ameliora-

tion of the hard lot of the workingman. They have been fighting "capital" indeed! Who are the "scabs" and "black-legs"? Workingmen: plain non-union workingmen. These are the men who are persuaded, intimidated, even beaten into insensibility, if they dare to exercise the inalienable right of "selling their labor in the highest market."

Let us have done with misnomers. There is no conflict between workingmen and capitalists. But there are strikes and lock-outs! How shall they be prevented? An elaborate "Report of the Royal Commission on Strikes," of New South Wales, concludes with no better recommendation than "that the very first thing to be done in order to permit of the settlement of a labor dispute is to try the effect of *conciliation*." This failing, the next thing is "arbitration." But these remedies imply contention, conflict, disorder, disruption of friendly ties and disturbance of business through lock-outs on the one hand and strikes on the other. Bureaus of arbitration assume the continued use of these weapons of offence and defence. The remedies they propose are inadequate. Not being founded in reason, they always have failed, and always will fail. The day will come however, when the lock-out and strike as means of coercion or redress will be looked upon as barbarous. The assertion is ventured that even to-day if a secret ballot had to determine for or against, there would seldom or never be a strike.

It took many years for communities to realize that loss by fire, no matter how fully covered by insurance, was an absolute one. When this fact was understood, intelligent effort was at once directed toward diminishing the fire risk. Every safeguard is now adopted to minimize the liability to burn and to prevent a fire from spreading. Every lock-out and strike results, just as surely as fire, in absolute loss to the community. No matter who is victorious, the loss is absolute and irretrievable. What folly to persist in methods so wasteful, destructive, and inconclusive. But there is a remedy. Trades-unions, as now organized, are too narrow—too restrictive. The demagogue and the slugger fill the high places. The walking delegate is an autocrat, blatant, ignorant, and repulsive to American institutions. Self-respecting and educated men revolt at this tyranny, and refuse to come under its yoke. All this must be changed. The scope must be broadened through education and judicious legislation! Would there be any conflict if labor organizations included all who work for wages? Such an organization would be invincible. There could be no conflict. The capitalist, though he may sometimes be an oppressor, is not a fool. If he employed workmen he would see to it that no issue should be raised between him and such a force. In a strife, his poor capital would be helpless and as worthless as Robinson Crusoe's gold was to him when on his uninhabited island.

It may be urged that the elimination of force as a means of compelling amelioration of the laborer's condition would defeat the purposes of organization. Such a result would not follow. Let a new declaration of independence be made. Enact laws that will conserve every man's right, his inalienable right, to dispose of his labor upon terms and conditions satisfactory to himself. Sweep from the constitutions and by-laws of labor unions every vestige of restriction and brute force. Nothing has been accomplished *vi et armis* but terrorism, bloodshed, and incalculable loss. These methods must be relegated to a black and uninviting past. Make more perfect unions, extend their influence for good and include in their

membership *all who toil*. Cease this conflict with fellow-workingmen. Store up power. The money spent in strikes is wasted, gone, irretrievably lost. Conserve these funds. These accumulations are capital, and capital in use gives power. Where now is the oppressor? With a liberal and perfect organization that shall include all who work for wages, with means and skill, what cannot be done if guided by enlightened and temperate zeal? Are you dissatisfied with your lot? Use this stored up power, build factories and workshops of your own, buy shares in mines, and own the stock of railroads and trolley lines. If selfish and unwise capitalists think to take any undue advantage, do not fear them, your dollars are as potent as theirs. But abandon, now and forever, all brutal and destructive methods that have only brought distress and obloquy upon the fair fame of the American workman.

STOCKTON BATES.

THE POLITICAL IMPORTANCE OF HAWAII.

THE great political importance of the Hawaiian Islands is mainly due to their unique geographical position. They are situated midway from Panama to Hong-Kong and directly on the shortest line from Puget Sound to Australia. Here the two great lines of Pacific Ocean trade intersect, and here vessels must stop for refuge and supplies.

In 1875 the United States and Hawaii concluded a treaty of reciprocity which has undoubtedly given to the Islands their present wealth, and, in connection with their geographical position, their commercial importance. Several amendments were added by the Senate relative to the use of Hawaiian harbors by the United States. In 1887 another treaty was made which agreed that in exchange for certain commercial advantages the United States should have *exclusive* right to establish a naval station in the Hawaiian Islands; and Pearl Harbor was designated. In 1889 the United States proposed an enlargement of these provisions by which both were to have superior advantages and the United States were to have *perpetual* as well as *exclusive* right to establish and fortify a naval station.

Hawaii is an American State, and is embraced in the American commercial and military systems. The United States has for many years past kept warships at Honolulu, and has exercised a friendly suzerainty over the Islands which is without parallel in the history of the world. The attitude of this Government has been that of a *de facto* supremacy, in reality a protectorate. The treaties that have been discussed and ratified between these countries have been for the closest reciprocity and for a restriction upon the disposal of Hawaiian bays, harbors, and crown lands to other nations; and attempts have been made by both to have ratified treaties of annexation. Indeed, for the past fifty years this has been a question familiar alike to Americans and Hawaiians, and its importance increases with each new event in the Pacific and with each island seized there by European maritime powers. In 1886 Hawaii was nearer to the United States than to the territory of any other country. Now, the English possession, Johnson Island, acquired in 1891, is only 600 miles away. England has also seized and fortified Fanning and Christmas islands, forming a chain of possessions toward Australia. France and Germany have not been far behind Great Britain. Both have strongly fortified stations in the Pacific. It is a notable fact that European powers, especially England, have been strength-

ening themselves more and more in the Pacific as an isthmian canal has become a possibility of the near future. England has a chain of fortified stations around the world at intervals of 3,000 miles or less, guarding all the main thoroughfares of trade on the globe. There is a single flaw, the non-possession of Hawaii. She is weaker in the Pacific than in any other quarter of the world. The possession of Hawaii would make her strong where now she is weak, would make her mistress of the Pacific as now she is mistress of the Atlantic. Sentiment has not hoisted the British flag over strongly fortified stations all over the world. Centuries of experience have taught Great Britain that this is the only way to protect her commerce in peace or in war. Other foreign nations have not been slow to grasp this idea. France, Germany, Holland, Spain, and Russia are second only to Great Britain in the possession of such stations.

Hawaii is the strategic point of control for the whole northern Pacific. Turn for a moment from the Pacific to the Atlantic and examine the condition of affairs there. Our Atlantic coast is menaced by a line of hostile stations. England has strongly fortified and completely munitioned stations at Halifax and St. John's. Bermuda has been fortified and supplied at very heavy expense, and there she has built the largest floating drydock in the world; ample shops and immense quantities of coal have been provided. Thus at 690 miles from New York and less than 600 from the Carolinas, she has a station second to none in the world, from which as a base her ships could in a few hours attack any Atlantic seaport and control the commerce of the western hemisphere in that ocean. Our Gulf coast is similarly threatened by Jamaica and St. Lucia; and these with Belize would control any isthmian canal on the Atlantic side. England recognizes that the opening of such a canal must of necessity divert the route of trade on the Western Hemisphere from the Straits of Magellan to the Isthmus, and she is endeavoring to be ready for such a contingency. France has St. Pierre and Miquelon on the northeast, and Guadeloupe Martinique, and Cayenne on the south and southeast. Spain has Cuba and Porto Rico, while the Dutch at Curacao and the Danes at St. Thomas, either of which could probably be used by Germany, complete the line of hostile bases on our Atlantic coast.

Returning to the Pacific, any foreign power occupying Hawaii would have an impregnable base from which to strike at any part of our Pacific coast and destroy our Pacific commerce. Not only this, but Hawaii is the only base in the Pacific from which this could be successfully done. Great Britain's ships are never more than 1,500 miles from a base of supplies and repair, where, protected by immense land batteries and all modern appliances for harbor defence, they can find havens of safety and refuge.

One of the greatest difficulties is in coaling ships of war. Vessels of the "Philadelphia" class have a coal capacity of 1,000 tons. Moving at a moderate rate of speed, such vessels can accomplish about 6,000 miles without recoaling, but under forced draught 3,500 miles would probably be the greatest distance they could hope to make. Commerce-destroyers are designed to make very long cruises, and will carry from 2,000 to 3,000 tons of coal. Moving slowly, such vessels will accomplish about 16,000 miles without recoaling; but to overtake and destroy commercial steamers, they must often move at their highest speed, and under such circumstances they would not make over 10,000 or 12,000 miles. Therefore, if ships of war operate from a single base, 1,500 to 2,000 miles for cruisers and 5,000 to 6,000 miles for commerce-destroyers would be the

extreme distances for operations, barring delays from accidents and crippling from hostile vessels, which are always likely contingencies. Much has been done in recent years to improve the United States Navy. New ships, equal to any others in the world, have been built at very great cost, but the government does not seem to have been equally progressive in providing the necessary coaling stations. All other great nations have recognized the necessity of providing them. Without such stations, for example, no nation could make successful war against the United States, a fact fully appreciated by Italy in the late diplomatic incident arising from the New Orleans affair.

To protect our Atlantic coast in case of war the United States would have to capture and retain the hostile bases fronting that coast, and to protect her Pacific Coast, she must similarly hold Hawaii. If she possessed these strongholds she would be safe against the combined attacks of the world. The power that holds San Francisco and Hawaii will control the western outlet of the isthmian canal and hence the commerce of the Pacific. The possession of the Bermudas by the British in the war of 1812-14 caused immense damage to American trade in the Atlantic. Geographically the Hawaiian Islands bear the same important relative position toward the Pacific that the Bermudas do toward the Atlantic coast, a position which makes them important alike to foreign war and maritime powers and essential to the United States.

England has sought in every possible way to establish commercial and social supremacy in the Hawaiian Islands, to the end that sometime the over-ripened plum might fall into her lap. She doubtless would be much pleased to join the United States in a Samoan-like protectorate over this group. She is now striving to land a British cable from Vancouver to Australia on Neckar or Bird Island and but ill conceals her chagrin that the diplomacy of the United States has forced her to give up the Hawaiian group and pass seven hundred miles farther on to Fanning Islands.

"The maritime power that holds Pearl River Harbor and moors her fleet there holds the key to the North Pacific." "For no trade could prosper or even exist, while a hostile power, possessing a powerful and active marine, should send out its cruisers to prey upon commerce; but once firmly established upon them (the Hawaiian Islands), it might put to defiance any means of attack which could be brought to bear upon them." On the other hand it is declared by a United States naval officer that in case of war, the islands would be a source of national mortification. He advocates their neutralization by international treaty so that all nations could coal and refuge there, and declares that the rest is sentimentality. It would doubtless be very philanthropic to neutralize these islands, but it is difficult to accept the idea on any other ground. Another objection urged is that the native population is not fit for American citizenship. Perhaps not; but the native population is less than 30,000 and rapidly decreasing, and moreover is far more intelligent than was the Southern negro when the Fifteenth Amendment gave him citizenship in 1866. Again we hear that the United States should not enlarge itself territorially by this annexation; but an examination of previous enlargements in various ways renders the objection to 7,000 square miles of Hawaiian territory absurd. In 1783 our territory was 827,844 square miles, while to-day, through the Louisiana, Florida, Texas, Mexican, Gadsden, and Alaskan acquisitions it is 3,603,884 square miles.

Still another objection is the distance of those islands from the Ameri-

can coast, but this distance is much less than the average distance of our Alaskan territory, and in the present state of ocean travel 2,100 miles is a short distance. Indeed, no sufficient reason can be advanced against the annexation of the Hawaiian Islands, while on the other hand American interests, American glory, American supremacy are at stake.

Every consideration in fact forces us to the conclusion that the annexation or territorial acquisition of these islands is a military, naval, and commercial necessity to the United States.

JOHN A. HARMAN, *Lieut. U. S. A.*

THE DANGER OF THE FEDERAL JUDICIARY.

THE Federal Judiciary is in great danger from itself! Unless it is shorn of much of its arbitrary power, and many imperfections which have become engrafted on the system are eradicated, it may not be long before Congress, which has power to abolish all Federal courts except the Supreme Court, may be compelled to enact such legislation as will practically amount to their abolition. For many years a feeling of unfriendliness to those courts has been growing. About seven years ago Congress, to mollify a public demand for legislation against them, cut off their jurisdiction in more than two-thirds of the number of their cases. This for a time seemed to quiet the public, but there have been so many fresh causes for dissatisfaction, that there is now a greater cry against them than ever.

It would be almost a calamity to have the jurisdiction of Federal courts over controversies between residents and non-residents taken away. The loans made by foreigners to Americans, and by Eastern to Western people, are almost fabulous, and out of them arise the greatest and most important contests, and it would not only weaken credits, but it would be a great injustice not to furnish such litigants a tribunal free from local prejudice and influence. But this system cannot long endure unless there is a radical change. Some "reformers" will always be found who believe that the jury system should be abolished, and yet all the States, including the last that have been admitted into the Union, guarantee it to the people, and no State government would be considered perfect without it. Many Federal judges, however, treat the constitutional guarantee of trial by jury as a meaningless, high-sounding phrase, and look upon the jury as a species of ornamental furniture. The law contemplates that the jury shall decide the facts, and the judge the law; but in many Federal courts, the judge, in his charge to the jury, argues the facts, taking a one-sided view of them; and often the most fervid and partisan argument in the case is the judge's charge. Then, after he has thoroughly biased the minds of the jury, he says cynically: "Now, these are my ideas, but it is for you to pass upon the facts," and the appellate courts say that this is a legal antidote for the poison he has administered; but every lawyer knows, as a matter of fact, that it is not. As long as the people so revere this system as to make it a part of their written constitutions, they will look with great disfavor on courts that make a farce of it. In most of the State courts, the judge is required in his charge to state both sides of each contested proposition of law, and permit the jury, without comment from him, to decide the facts. If the jury system is unworthy, blot it out of the Constitution, or else let the jury, unawed by the powerful influence of the judge, perform its duty.

When a Populist Legislature, "recognizing the severity of the times,"

passes a law extending the period in which property can be sold under execution, the country rises up in arms, and the courts promptly declare such legislation unconstitutional, with respect to existing contracts. It does not, however, require great ingenuity for a man, heavily indebted, to have a friend bring suit against him in a Federal court, alleging some interest in his property, and have a "dear friend" appointed receiver for his property. Generally the only people to be affected by this proceeding are creditors, who are not even notified. By this sleight of hand performance, they are precluded from enforcing their contracts, until they can obtain permission from the court. Unless the court is really blind, as justice is proverbially said to be, it must see that the proceeding has but one purpose, and that is to hamper creditors; and yet, although their notes and mortgages have matured, the Court says to them, "In view of the severity of the times, equity demands that you delay, until times ease up." Thus a Federal court successfully does, under one form, what a Populist Legislature is not permitted to do under another.

Through a system of unwarranted judicial legislation, these courts practically confiscate mortgages by giving parties who furnish supplies to railroads and other institutions, within a certain time before a receivership, priority over recorded mortgages. When a mortgage is recorded, it ought to be beyond the power of the mortgagor to impair it, and that always was the law until the Federal courts, assuming legislative functions, changed it. A widow in Maine buys a first mortgage bond on a Kansas railroad. Her money goes toward paying for the entire road. Five years after her mortgage is recorded, a man supplies some ties for the track, and if the road, a month thereafter, goes into a receivership, he is given priority over her; her first mortgage is degraded to a second, and the man who has no mortgage finds himself in a better position than one who has.

The climax of the exercise of "Federal court power" was reached recently when a Federal judge enjoined men from striking or quitting labor that had become distasteful or unprofitable. It would be a waste of time to seriously discuss the injustice of such an order.

Strikes are disastrous, and employees seem to forget that they are more direful in their consequences to them than to their employers. but the power to strike is the only protection laboring men have against their employers. Lockouts, too, are disastrous, but no court could take this power from employers. The judge who issued that injunction is an upright man, and what he did was simply a violent manifestation, on his part, of the idea that has been growing among many Federal judges, that they can do almost everything necessary to enforce their ideas of justice.

The growth of much of this spirit is attributable to the fact that until recently there was no appeal in most cases involving less than \$5,000, and in such cases the judges often did not adhere to written law, but each judge decided each case as he believed to be right. The safety of the community requires that the law should be stable and the same in every court, so that every man may know, before he enters into a transaction, what the law is, and govern himself accordingly.

That Federal judges are subject to the every-day weaknesses of humanity was very forcibly demonstrated, when so many of them appointed relatives to office that Congress, a few years ago, was forced to pass a law absolutely forbidding it.

In 1891 a bill was passed by Congress allowing appeals in all cases, but

even now appeals are so excessively expensive as to amount to a denial of justice to poor men, and an unjust tax on others more fortunately circumstanced. The new bill created Federal Courts of Appeals, but their make-up is unwise, and to some extent makes the Federal system look ridiculous. The new courts are generally composed of one District and two Circuit judges. Under the new system, a Supreme judge goes from Washington to Chicago and hears a case, and his decision is reviewed on appeal by three judges of inferior rank; or a Circuit judge hears a case, and his decision is reviewed by one judge of inferior rank, and one judge of equal rank with himself. It looks odd to see an inferior judge reverse his superior—a captain reversing his general's orders! Take the World's Fair case at Chicago; it was decided by one District and two Circuit judges. On appeal it was heard by the Chief Justice and two District judges, and they reversed it. If the judges had not been unanimous, the two District judges alone had the power to reverse their superiors, the two Circuit judges. The worst feature is that much of the trial work is still done by Circuit judges whose decisions are reviewed by their associates on the Appellate bench.

Most of the evils in connection with the Federal courts grow out of the fact that all the Appellate judges are permitted to try cases on the circuit, and the Supreme Court judges sit in review on their own decisions made on the circuit. If the Appellate judges were not permitted to hear cases on the circuit, they would not permit the trial judges to do many things which now reflect on the Federal courts. There are other grounds for complaint than those growing out of the exercise of arbitrary powers by the judges. Although nearly every State has abolished the old and complicated equity practice, the Federal courts cling to it. This system, overflowing with old foggy technicalities and refinements, puts litigants to great and needless expense in time and money, and gives rise to great battles of quibbles about pleadings, and often requires months to take testimony by deposition, which could be taken orally in a few days or possibly hours, and occasions the expenditure of large sums for taking and printing the testimony, simply to keep up useless forms. These are only illustrations of some of the things which subject these courts to adverse criticism.

The entire Federal Judiciary system should be overhauled. The power to indulge in judicial legislation should be effectually taken away. The power of the courts should be put in harness. In jury cases, the judge should be required to confine himself to the law, leaving the facts to the jury. No Appellate judge should be permitted to hear cases on the circuit. Appeals should be made comparatively inexpensive and easily obtainable. Congress should formulate a new judicial system, characterized by simplicity, under which litigants can feel assured that the law, as it is written, will be administered, and that it will be the same to and for all, and not depend upon the whim or caprice of any individual judge.

HENRY WOLLMAN.

PAST EXTRA SESSIONS.

JOHN ADAMS, at his inauguration on March 4, 1797, was confronted by one of these "extraordinary occasions" provided for by Article 2, Section 3, of the Constitution, which empowers the President to "convene both houses, or either of them," and he called Congress in extra session. The cause of this action was a threatened rupture between France and the

United States. In the war then under way between France and England the former expected support from this country because of the aid extended by her to us in the struggle for independence, and because of a treaty binding the United States and France in an offensive and defensive alliance. President Washington committed the country to a policy of rigid neutrality between the belligerents. He regarded the treaty as annulled by the change of government which had just taken place in France, and he particularly desired to avoid all entangling alliances with European nations, and to take no part in the Old World's quarrels. This policy pleased the Federalists, but it enraged France and gave offence to France's admirers in the United States, the Democratic-Republicans, the predecessors of the Democrats of a later period. The Jay treaty between the United States and England during Washington's administration was one of the causes of the ill-feeling of France toward this country. France, then governed by the Directory, adopted decrees and orders highly injurious to American commerce, and refused to receive Charles Cotesworth Pinckney, a Federalist, who was sent as ambassador to that country shortly before Washington retired from the Presidency.

This was the situation of affairs when Adams went into power. The Congress which he called into session to devise means of meeting the emergency met on May 15, 1797, and adjourned on July 10. It approved the course proposed by Adams, who sent three envoys—the Pinckney before mentioned and John Marshall, Federalists, and Elbridge Gerry, Democratic-Republican—to France. The Directory declined to receive the envoys openly, but Talleyrand, Minister of Foreign Affairs, treated with them secretly through emissaries indicated by the letters X, Y, Z. An intimation by Talleyrand's agents that a loan from the United States to the French Government would buy protection for American ships from French attacks and avert war, called out from Pinckney the historic response: "War be it then! Millions for defence, but not a cent for tribute!" The failure of the commission aroused a warlike feeling in the United States against France. Measures were taken to raise an army and build a navy, and Washington was called to the chief command of the army. Some fighting took place on the ocean between the two countries, although war was never formally declared. Adams, in 1799, made further efforts to end the troubles with France, and, Bonaparte, who desired friendly relations with this country, overthrowing the Directory and going to the head of affairs about this time, a peace convention between the two nations was signed.

Jefferson, in his eight years in the Presidency, called two extra sessions of Congress. The first one, which began in October 17, 1803, was called to consider the treaty with France through which the territory of Louisiana passed out of the control of that country and became part of the United States domain. The negotiations attending the purchase had already been completed, and the amount to be paid was about \$11,250,000, the United States assuming, in addition, the claims of American citizens against France, estimated at about \$3,750,000. In the Senate the treaty was promptly ratified, and in the House action to carry it into effect was taken. According to the Federalists, who were strict constructionists then when out of power, the purchase of Louisiana was a violation of the Constitution. Jefferson himself said that he bent the Constitution in this transaction to near the breaking point. However, the country has emphatically indorsed it, and Jefferson will be remembered longer for bringing it about than he will for

writing the Declaration of Independence. Through it the national domain was much more than doubled, and a region was gained out of which fourteen States and two Territories are formed, and all at a cost of only about two cents an acre. It was the greatest real-estate deal on record.

The second extra session called by Jefferson met on October 26, 1807. This was made necessary by the wars between England and France, which had troubled Adams ten years earlier, and which were still being fiercely waged. Both belligerents, contrary to international usage, were assailing American commerce. Jefferson asked Congress to pass a law forbidding commerce between this country and the rest of the world, and as his party had a large majority in each branch the law was passed. This was known as the Embargo Act. The embargo was repealed in March, 1809, except as to commerce with France and England, and the next year it was entirely repealed. The country which was hurt most by the embargo was the United States. The raids on our commerce by both France and England being still under way when Madison went to the Presidency on March 4, 1809, he called Congress in a session which began on May 22 of that year and ended on June 28. In those days of United States feebleness this country had no rights which the big European nations felt bound to respect. England, however, was the chief aggressor, and the United States declared war against her on June 18, 1812. The second of Madison's extra sessions, which began on May 24, 1813, and ended on August 2, was called to provide additional ways and means for carrying on the war.

When Van Buren went to the White House on March 4, 1837, a financial convulsion more widespread and disastrous even than that which greeted Cleveland on his entrance into power in 1893 was at hand. Wild speculation in public lands had been under way for several years, which had been stimulated by the ease with which loans of currency were obtained from the State banks which sprang up just before the death of the United States Bank in 1836. Jackson in 1836, in his so-called Specie Circular, made public lands payable in gold and silver. This caused a run on the State banks for specie, which these institutions were not able to meet. They immediately called in their loans, consternation seized the business community, and the panic of 1837 was "on." Specie payments were suspended by the majority of the banks in the country. The financial wrecks in New York State within a year aggregated over \$100,000,000. Congress was summoned by the President and it met in a session which began on September 4, 1837, and ended on October 16. Congress was asked by the President to create an Independent Treasury, so that the Government could have direct charge of its own funds. This was the only measure of relief which he recommended. Congress disregarded this suggestion, but passed an act authorizing the issue of \$10,000,000 in treasury notes. In the next Congress the Independent Treasury was established. The financial clouds still lingering, W. H. Harrison, on March 17, 1841, thirteen days after he entered office, and eighteen days before he died, called Congress in session to meet on May 31. Congress abolished the Independent Treasury and passed a bill creating a United States bank. This was vetoed by Tyler, the Vice-President, who went to the Presidency on Harrison's death. Another bank bill was framed with the features objectionable to Tyler, as its champions imagined, left out, and this, too, was vetoed. This enraged the men who elected Tyler. He was "read out of the party," and all his cabinet except Secretary Webster resigned. The extra session ended on September 13.

An extra session which began August 21, 1856, and ended August 30, was convened by Pierce. In the regular session which closed on August 18, the House, which was Republican, refused to pass an appropriation bill for the army stationed in Kansas, except on the stipulation that the soldiers were not to be used in enforcing the decrees of the pro-slavery Legislature of the Territory. The extra session was for the purpose of securing the appropriation without any conditions, and the House gave way.

Now comes an extraordinary session in which more constructive legislation was had than in any other equal period in the history of Congress. This is the session called by Lincoln, which began on July 4, 1861, and ended on August 6. It was summoned to provide ways and means for carrying on the war against the seceded States, and to uphold the national authority. In the thirty-three days which the session lasted sixty-one public and seven private bills and five joint resolutions were passed. Measures were enacted calling out 500,000 volunteers; making large appropriations for their support; constructing a navy; closing the ports of the seceded States; defining conspiracy against the Government and providing punishment therefor; confiscating all private property, including slaves, used against the Government, and increasing duties under the Morrill tariff. This act, in its original shape, was signed by Buchanan about two days before he retired from office. The changes made in it in the extra session of 1861, however, would ordinarily have consumed nearly as many months of time as it did days then.

Twice Congress met in extra session during the Hayes Administration. The Congress which stepped down with Grant on March 4, 1877, had failed to make the necessary appropriation for the support of the army, an omission which was particularly embarrassing at that time, as the great railroad strikes in the summer of that year necessitated the use of troops at several points of disturbance. Congress was convened on October 15, continued at work until the regular meeting day on December 3 came, and provided the appropriation. Hayes' next called session met on March 18, 1879, and closed on July 1. The work provided for it was the passage of several money bills which had failed in the preceding Congress. The new Congress, which was Democratic in both branches, persisted in attaching to the bills "riders," which the President opposed. After a long wrangle between President and Congress, during which some of the bills were vetoed, all of them were enacted without the objectionable provision except one measure, which was killed for the session.

On August 7, 1893, Congress met in special session under the call of President Cleveland to repeal the purchase clause of the silver act of 1890. The repeal bill was passed by the House on August 28, by the Senate on October 30, and Congress adjourned on November 3. These comprise all the important called sessions of Congress which have been had since the beginning of the government under the Constitution.

CHARLES M. HARVEY.

BANKS FOR THE PEOPLE.

THE "term people's" banks is humorously and even derisively applied to the pawnbroking establishments. It is agreed, by all those who have studied the ways and methods of pawnbrokers, that their business is simply legalized robbery. It is wrong that the poor should be robbed in the

hour of their need and distress. It is wrong that they should pay five or ten times as much for "accommodation" as the rich and well-to-do. Just at present there is a formidable movement in England against the pawnbroker's business, which is practically the same there as it is in this country. A Commission, appointed by Parliament, is now investigating the whole system, and those who are active in the reform advocate the establishment of municipal pawnshops. The establishment of the Provident Loan Society last year in New York City by a number of charitable persons is a step in the right direction. Then there is the plan of municipal pawnshops which has been tried for many years in France with success and satisfaction. The *monts de piété* are placed under official supervision; they are patronized by all classes of people, and loans are made at a fair rate of interest.

What people with small means need is a place where they may obtain loans on security at the same rate of interest as people with large means—that is, 6 per cent. per year, instead of 30, 40, or 50 per cent. In other words, there should be banks to serve the smaller class of customers in the same way as the National and State banks now serve the large customers. There is urgent need of intermediate banks between the commercial banks and the pawnshops. Hence, we propose bringing banking facilities to all classes—to the poor man as well as the rich man, to the workingman and the farmer as well as to the manufacturer and capitalist. We propose banks of the people, by the people, and for the people. It is no John Law scheme that is here recommended, nor is it a Socialistic enterprise. It is a scheme that has been tried and proved in other countries, and in Germany especially has reached high success.

It is now some forty years since Herr Schulze established the first Registered Credit Association, or People's Bank, at Delitzsch, a town in Saxony. It was an association of ten workingmen, who paid very small weekly instalments, and, on the basis of money paid in, they obtained loans from the bank. The idea of Herr Schulze was to encourage the spirit of thrift and providence among the working-people, and at the same time to accommodate those who wanted to borrow a little money for buying tools for their trade, stock in their shops or on the farms. The growth of these "*Vorschuss und Credit-Vereine*" was rather slow the first ten years. But, as soon as the objects and advantages of membership became better understood, People's Banks (*Volksbanken*) sprang up all over the German Empire. The prosperity and strength of these banks may be said to date from 1865. Since then they have waxed exceeding strong, so that to-day they are the most powerful combinations of labor and capital in the world. There are now about 2,000 People's Banks in Germany. They are managed by the people and for the people. They have a membership of over 1,500,000; they have a capital of \$10,000,000, and handle \$500,000,000 annually.

The scope of the *Volksbanken* has been broadened as modern conditions have required it. There are now Credit Associations in Germany, having the following objects in view: (1) To give advances and credits; (2) to acquire raw materials and to open stores; (3) to manufacture and sell goods for joint account (called Societies of Production); (4) to produce the necessities of life and of production wholesale (called Associations of Production); (5) to build dwellings for the working-people; (6) to farm and cultivate the land. To summarize: In round numbers there are in Germany about 2,000 People's Banks, 1,100 Societies for Production, 900 Distributive Societies, and several hundred Building Societies.

The loaning of small sums of money at a low rate of interest is one part of Herr Schulze's scheme. There is the other side—that of helping people with little money to carry on their trade or business. Many a man by securing a small loan is enabled to purchase more tools for his trade, and thus earn more money. Small shopkeepers need money in this way from time to time, but the security they can furnish would not be taken at the banks. The manager of the Boston "loan bureau," which is called the Collateral Loan Company, cites a case of this kind in point. One day last autumn a man came to the company's office with a large roll of silk. He was a small merchant in the neighborhood, and needed the money for the holiday trade, and he took this means of obtaining it. The silk was taken as security and redeemed within three months, the charge for the accommodation being a small one. Several of these German Societies for Production manufacture goods on a large scale. They compete with the large manufacturers and capitalists in the open markets of the world.

It is to be regretted that there is no recent information in English as to the working of People's Banks in Germany. Twenty years ago Herr Schulze published a book, entitled *Vorschuss und Credit-Vereine als Volksbanken*. There are also a number of official reports and papers. Some twelve years ago the attention of the British Foreign Office was directed to the People's Banks in the German Empire, and the Ambassador at Berlin was "ordered to furnish a report upon the People's Banks in Germany." This report, which was printed as a Parliamentary Paper, contains a clear and concise account of the working of these German banks and associations.

It would be well for the State Department at Washington to request the American Ambassador at Berlin to furnish a report, giving additional information as to the recent growth and progress of these German banks and associations. Such a report could not fail to be interesting and instructive. Now, it would be desirable to have such a strong and powerful organization as the above in the United States. We believe People's Banks can be established here by the working-people and made to pay. They could be organized independently of the Production Associations. The most important point would be to have a good board of management. When we see how Building and Loan Associations are managed by workingmen, we have no doubt that People's Banks could be conducted just as prudently and successfully.

There is no good reason why the large, industrious and respectable class of tradesmen, storekeepers, farmers, and working-people who now can get no "accommodation," should not establish their own banks. It is admitted that our commercial banks are not popular enough. The loan-bureaus, pawnshops, and like concerns are too unpopular. The legal position of People's Banks could be made definite and solid without danger to the national banking system. The same safeguards that are thrown around national and other banks and associations could be applied to People's Banks.

Such, in brief outline, are People's Banks. They deserve the careful study and consideration of our plain people, and of those who are interested in social economics.

LEE J. VANCE.